

# EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

ELIZABETH SINES, SETH )  
WISPELWEY, MARISSA )  
BLAIR, TYLER MAGILL, )  
APRIL MUNIZ, HANNAH )  
PEARCE, MARCUS MARTIN, )  
NATALIE ROMERO, CHELSEA )  
ALVARADO, AND JOHN DOE, )

Plaintiffs, )

vs. )

JASON KESSLER, RICHARD )  
SPENCER, CHRISTOPHER )  
CANTWELL, JAMES ALEX )  
FIELDS, JR., VANGUARD )  
AMERICA, ANDREW ANGLIN, )  
MOONBASE HOLDINGS, LLC, )  
ROBERT "AZZMADOR" RAY, )  
NATHAN DAMIGO, ELLIOT )

KLINE A/K/A ELI MOSLEY, )  
IDENTITY EVROPA, MATTHEW )  
HEIMBACH, MATTHEW PARROTT )  
A/K/A DAVID MATTHEW )  
PARROTT, TRADITIONALIST )  
WORKER PARTY, MICHAEL )  
HILL, MICHEL TUBBS, )  
LEAGUE OF THE SOUTH, JEFF )  
SCHOEP, NATIONAL SOCIALIST )

MOVEMENT, NATIONAL FRONT, )  
AUGUSTUS SOL INVICTUS, )  
FRATERNAL ORDER OF THE )  
ALT-KNIGHTS, MICHAEL )  
"ENOC" PEINOVICH, LOYAL )  
WHITE KNIGHTS OF THE )  
KU KLUX KLAN, AND EAST )  
COAST KNIGHTS OF THE )  
KU KLUX KLAN A/K/A )  
EAST COAST KNIGHTS OF THE )  
TRUE INVISIBLE EMPIRE, )

Defendants. )

CIVIL ACTION FILE

NO: 3:17-CV-00072-NKM

DEPOSITION OF MICHAEL HEIMBACH

FRIDAY, AUGUST 9, 2019

Job No: 165619

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3 VIDEOTAPED DEPOSITION OF MICHAEL HEIMBACH  
4 KNOXVILLE, TENNESSEE  
5 FRIDAY, AUGUST 9, 2019  
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REPORTED BY: TANYA L. VERHOVEN-PAGE,  
CCR-B-1790

FILE NO. 165619

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2 August 9, 2019  
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Videotaped deposition of  
MICHAEL HEIMBACH, held at the offices  
of Howard H. Baker, Jr. United States  
Courthouse, 800 Market Street, Knoxville,  
Tennessee before Tanya L. Verhoven-Page,  
Certified Court Reporter and Notary Public of  
the State of Tennessee.

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On behalf of the Plaintiffs:

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BY: ALEXANDRA CONLON, ESQ.

ALSO PRESENT: John Hylton  
Courtney Roberts

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Ray, Traditionalist Worker Party, Jason Kessler,  
Nathan Damigo, Identity Europa, Inc., and Christopher  
Cantwell:

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BY: JAMES KOLENICH, ESQ.  
(By Telephone)

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(By Telephone)

THE VIDEOGRAPHER: Robin Greenwood

- - -

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M. HEIMBACH  
KNOXVILLE, TENNESSEE; FRIDAY, AUGUST 9, 2019  
8:35 A.M.

PROCEEDINGS

THE VIDEOGRAPHER: This is the start of Tape Number One of the videotaped deposition of Matthew Heimbach in the matter of Elizabeth Sines, et al., versus Jason Kessler, et al., in the United States District Court for the Western District of Virginia, Charlottesville Division; No. 3:17-CV-00072-NKM.

This deposition is being held at Howard Baker Jr. U.S. -- United States Courthouse, 800 Market Street, Knoxville, Tennessee 37902 on August 9th, 2019. The time is 8:35 a.m.

My name is Robin Greenwood. I'm the legal video specialist from TSG Reporting, Inc., headquartered at 747 3rd Avenue, New York. The court reporter is Tanya Page, in association with TSG

M. HEIMBACH  
Reporting.

Will counsel please introduce yourselves.

MR. BLOCH: Yes. For the Plaintiffs, this is Michael Bloch from Kaplan, Hecker & Fink.

MR. KOLENICH: For Defendant Jason Kessler and several others, this is Jim Kolenich, Kolenich Law Office, Cincinnati, Ohio.

MR. CAMPBELL: For Defendant James Fields, this is Dave Campbell, Duane, Hauck.

THE VIDEOGRAPHER: Would the court reporter please swear the witness.

Thereupon --

MATTHEW HEIMBACH,  
called as a witness, having been first duly sworn,  
was examined and testified as follows:

EXAMINATION

BY MR. BLOCH:

Q Good morning, Mr. Heimbach.

M. HEIMBACH

A Good morning, Mr. Bloch. How are you?

Q I'm good. Thanks. How are you?

A Another day in paradise.

Q Mr. Heimbach, as you know, my name is Michael Bloch. I represent the plaintiffs in Sines versus Kessler. Before we start, I just want to go over a few ground rules.

First is, as you know, Tanya, is a court reporter. She's transcribing everything that's being said. So that we have a clean record, if you could just wait until I finish my questions before you answer so that she can get everything down.

A Okay.

Q If you don't understand a question, just let me know. I'm happy to rephrase it. There may be objections from counsel here today on the phone. Those objections are for the record. You're still obligated to answer the question regardless of the objection.

Do you understand?

A Yup.

Q If you need a break at any time, let me know. If there's a question pending, I would just ask that you answer the question before we take the

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1 M. HEIMBACH

2 break.

3 You understand that you've sworn to tell  
4 the truth today?

5 A Yup.

6 Q Are you under the influence of any  
7 medication or drugs that would impair your ability to  
8 testify truthfully and accurately?

9 A No.

10 Q And is there any other reason you may not  
11 be able to testify truthfully and accurately?

12 A No.

13 Q Could you state your name, your full name  
14 for the record?

15 A Matthew Warren Heimbach.

16 Q Have you ever gone by any other names?

17 A No.

18 Q Have you ever gone by the name Matthew  
19 John Heimbach?

20 A Well, John is my baptismal Christian  
21 name.

22 Q Okay. So what name is on your birth  
23 certificate?

24 A Matthew Warren Heimbach.

25 Q How old are you?

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1 M. HEIMBACH

2 A Twenty-eight.

3 Q And what is your educational background?

4 A I have a Bachelor's degree in history and  
5 I minored in education.

6 Q From where?

7 A Towson University.

8 Q Are you currently employed?

9 A Yes.

10 Q What do you do?

11 A I'm self-employed.

12 Q Doing what?

13 A I'm a delivery driver. I'm a courier.

14 Q And in addition to your educational  
15 background, do you have any vocational training?

16 A No.

17 Q Prior to being self-employed, have you  
18 done any other work?

19 A Yeah. I sold closet organization systems  
20 door to door. I sold health insurance. I worked at  
21 Barnes and Noble. I bagged groceries for my local  
22 market when I was 14.

23 That's about all I can think of off the  
24 top of my head.

25 Q Great. Let me just pause for a second.

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1 M. HEIMBACH

2 MR. BLOCH: Did someone just join  
3 us on the phone?

4 MR. DINUCCI: Yes. This is John  
5 DiNucci for Richard Spencer.

6 MR. BLOCH: Okay.

7 BY MR. BLOCH:

8 Q Okay. Are you currently married,  
9 Mr. Heimbach?

10 A Yes.

11 Q And were you -- are you currently married  
12 to Brooke Heimbach?

13 A No.

14 Q Were you previously married to Brooke  
15 Heimbach?

16 A Yes.

17 Q And what's the status of your -- the  
18 formal status of your relationship with Brooke  
19 Heimbach?

20 A Divorced, but a positive co-parenting  
21 relationship.

22 Q And when were you legally divorced?

23 A I don't know. Like, five months ago or  
24 so. I don't know the exact date. I'd have to go --

25 Q Can you approximate a month?

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1 M. HEIMBACH

2 A I don't know. February or March, I  
3 think.

4 Q Of?

5 A Of 2019.

6 Q Have you published any articles?

7 A Like, ever?

8 Q Yeah.

9 A Yes.

10 Q How many, approximately?

11 A Over a hundred, probably.

12 Q And what publications have you published  
13 articles in?

14 A I've published for the Traditionalist  
15 Worker Party website; for our newspaper, Action.  
16 I've posted articles on -- let's see -- I did a  
17 podcast back in 2013 with articles on Counter  
18 Currents.

19 When I was in college, I wrote for the  
20 Youth for Western Civilization blog. I've had  
21 articles published in the Council of Conservative  
22 Citizens newspaper and the League of the South  
23 newspaper, the Free Magnolia. Off the top of my  
24 head.

25 Q Do you get paid for your writing?

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M. HEIMBACH

A No. I wish.

Q And do you get paid in connection with any of your advocacy work for white nationalism?

A I also wish, but no.

Q Do you have any other sources of income other than your current occupation?

A No.

Q Have you ever had any legal training?

A No.

Q And without telling me the substance of the advice that you've been given, is somebody currently giving you legal advice on any aspect of this case?

A In terms of, like, actual legal advice?

Q Yes.

A No. I mean, I've sent out for a variety of different people to look over my filings, including my wife, but in terms of legal advice from attorneys, no.

I spoke with Mr. Kolenich -- not as a client, but just in terms of discussing defense strategy -- probably about three weeks ago. So I guess that would probably be the extent of it.

Q So regarding -- when you said you sent

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M. HEIMBACH

out your filings for review -- I think you said?

A Uh-huh.

Q -- who have you sent those filings to?

A Matt Parrott, who is a co-defendant, but he's not a lawyer, so --

Q I believe you said you sent it out to a bunch of different people?

A Yeah, my wife, I shared it with her. I sent it to Matt Parrott. I discussed the content of it with Mr. Kolenich several weeks ago.

Q And when you say your wife, do you mean your current wife?

A Yes.

Q And what's her name?

A Jessica.

Q Jessica what?

A Heimbach.

Q Is Jessica Heimbach formerly Jessica Parrott?

A Indeed.

Q And when did you and Jessica Parrott get married?

A That would have been early July of this year.

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M. HEIMBACH

Q Did you send documents to Mr. Kolenich -- withdrawn.

The documents that you have submitted in this case in the last six weeks or so --

A No. I haven't sent him --

Q Got it.

A Oh. Sorry.

Q Let me just finish the question.

The documents that you have filed in this case since June of 2019, did you send those to Mr. Kolenich for review?

A No.

Q Did you talk to Mr. Kolenich about those filings?

A Not about the filings in terms of the specifics, but in terms of the overall defense strategy, of which I was notifying him that I was going to be filing several motions.

Q Who notified you of that?

A What do you mean? I said I notified him.

Q I see.

A Yeah.

Q And what did you and Mr. Kolenich discuss about defense strategy in the last six weeks?

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M. HEIMBACH

A Essentially, that everyone was going to comply with discovery, depositions and work towards moving the process along as quickly as possible.

Q And in what format did you discuss that with him? On the phone?

A On the phone.

Q And how long did you guys talk for?

A Maybe 20 minutes, 25 minutes.

You guys would know better, you have my phone records.

Q How many times have you spoken to Mr. Kolenich in the last -- since June of 2019?

A Off the top of my head, once, maybe twice, but I can only think of one time.

Q Have you e-mailed with Mr. Kolenich since June of 2019?

A No.

Q Has he e-mailed you?

A I don't believe so. Oh, yes. To get copies of interrogatories, because, since I was representing myself, I needed to get all of the paperwork that he had filed on my behalf when he was my counsel. So he had e-mailed me copies of all those filings.

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M. HEIMBACH

Q Did you e-mail him first to request copies of those filings?

A No, we spoke on the phone and I requested them.

Q I see.

MR. BLOCH: Mr. Kolenich, I'm going to just ask that you produce that document.

BY MR. BLOCH:

Q Other than Mr. Kolenich, have you spoken with any attorneys regarding your -- this case since -- withdrawn.

Other than Mr. Kolenich and Mr. Woodard, have you spoken with any other attorneys about this case?

A Not in terms of asking for legal counsel. Friends, asking as friends, but not asking for legal advice.

Q But for advice about this case?

A Not in terms of specifics or legal advice.

Q But you spoke about this case, right?

A Yes.

Q And you're saying you would not

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M. HEIMBACH

personally count that as legal advice, but you spoke with other attorneys about this case, right?

A Yes.

Q And who are they?

A Augustus Invictus.

Q Who else?

A That would be it.

Q And did you e-mail with Mr. Augustus Invictus?

A Yes. Which you guys also have a copy of.

Q We do?

A Well, you have my gmail account, so you would.

Q You're saying there is a copy of it in your gmail account?

A Yes.

Q And if we were to search that, you believe that we would find it; is that what you're saying?

A Yeah, the full exchange.

Q You agree with me we don't actually have it right now?

A Well --

Q Question is, you agree with me we

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M. HEIMBACH

don't have it right now, which is what you said, right?

A Well, I'm not sure. That's based on a third-party vendor.

Q Have you given us a copy of that e-mail? Have you provided that?

A No, but I can.

Q But my question is: Have you provided that e-mail?

A No.

The e-mail itself or my e-mail address?

Q That e-mail.

A No.

Q Other than this case, have you been a defendant in any other lawsuits?

A Not to my knowledge.

Q You've never been a defendant in any other lawsuit?

A Oh, in regards to a Donald Trump rally.

Q And what's the name of that case?

A I couldn't tell you. Not out of abstinence, but I couldn't tell.

Q Is that the Nwanguma lawsuit?

A Yes.

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M. HEIMBACH

Q Regarding your conduct at a Trump rally, right?

A Yes.

Q Were you represented -- sorry. Withdrawn.

Other than the Nwanguma case and this case, have you been a defendant in any other lawsuit?

A No.

Q Were you represented in the Nwanguma case?

A No.

Q Is that case still going on?

A I haven't gotten any updates about it in over a year at this point.

Q Did you provide any discovery in that case?

A I don't believe I -- any was ever requested.

What I believe is after President Trump -- is judge had ruled against him being included, there was total radio silence coming forward.

Q Okay. But my question was: Have you provided any discovery in that case?

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M. HEIMBACH

A No.

Q Have you ever been deposed before?

A Nope. First time.

Q Do you have any formal training in information technology?

A No.

Q Did you do anything to prepare for today's deposition?

A Just got a good night's sleep.

Q Did you speak with anybody in preparation for this deposition?

A I spoke with Matt Parrott about it.

Q When?

A Yesterday.

Q How?

A On the phone.

Q How long did you speak?

A About this matter specifically or just in general?

Q Let's start with in general.

A I don't know, 45 minutes.

Q How long did you speak about this matter?

A Five or ten minutes.

Q And what was the substance of that

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M. HEIMBACH

conversation?

A Essentially, just we both discussed what had happened prior, and we agreed that being calm, cool and collected was the way to go about it.

Q When you said you discussed what had happened prior, what do you mean by that?

A Oh, just in regards to, you know, the planning of the event, the questions that you were probably going to ask.

Q Have you spoken with any lawyers to prepare for this deposition?

A No.

Q Have you ever spoken with Kyle Bristow?

A As a friend, yes.

Q Have you spoken with Kyle Bristow since August of 2017?

A Yes.

Q Has Mr. Bristow provided you any advice regarding this case?

A No. He specifically told me that he cannot provide any legal advice, so we only talked about things like our kids, social matters, goings-on within the white nationalist movement. But he specifically has said that he cannot advise me in any

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M. HEIMBACH

legal questions.

Q Have you e-mailed with Mr. Bristow about this case?

A I can't recall, but I don't think so. I could look.

Q Have you texted with Mr. Bristow about this case?

A We've primarily spoken over the phone. We've spoken by text message, but in terms of the details of the case, anytime I've ever tried to contact him and, you know, I had a legal question, he specifically told me he couldn't answer.

Q Okay. So my question is: Have you texted with Mr. Bristow about this case?

A I can't recall.

Q Would looking at your text messages refresh your recollection about that?

A Sure.

Q Okay. We'll come back to that.

Have you spoken with Mr. DiNucci at all about this case?

A I don't believe so.

Q Have you spoken with Mr. Campbell at all about this case?

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M. HEIMBACH

A No, I don't believe so.

Q Have you spoken to Eli Mosley in the past two months?

A I reached -- I messaged him on what I thought was his old number just to see how he was doing, but I got no response. So I don't even know if that's his same number.

So no, we haven't spoken at all.

Q And by Eli Mosley, you understand who I mean?

A Elliott Kline.

Q Right.

And what phone number did you message Mr. Kline on?

A Am I allowed to look at my phone?

Q Sure.

A That would be (610)406-2229.

Q And you didn't receive a response?

A No.

Q What did you text him?

A I asked him how he was doing.

Q Can you read it?

A No, because I don't have it.

Q Didn't you just look at it?

<p style="text-align: right;">Page 30</p> <p>1 M. HEIMBACH</p> <p>2 A No, I just looked up his account.</p> <p>3 Q Didn't you just look at your phone to see</p> <p>4 the text messages you sent Mr. Mosley?</p> <p>5 A No. I just looked up his account in the</p> <p>6 telegram.</p> <p>7 Q On what format did you text him?</p> <p>8 A I can't recall.</p> <p>9 Q Didn't you just look at it?</p> <p>10 A No.</p> <p>11 Q You just looked at your phone, right?</p> <p>12 A Yes. To look up his contact information.</p> <p>13 Q And what did you look at to look at his</p> <p>14 contact information?</p> <p>15 A His contact profile.</p> <p>16 Q Didn't you earlier say that you sent him</p> <p>17 a text message?</p> <p>18 A Yes.</p> <p>19 Q And you sent him a text message, right?</p> <p>20 A Yeah, I believe so.</p> <p>21 Q Do you have the text message on your</p> <p>22 phone that you sent him?</p> <p>23 A No.</p> <p>24 Q Did you delete it?</p> <p>25 A If it was in Signal, messages auto</p>	<p style="text-align: right;">Page 31</p> <p>1 M. HEIMBACH</p> <p>2 delete.</p> <p>3 Q What format did you text him on?</p> <p>4 A You guys can probably tell me better.</p> <p>5 Q Mr. Heimbach.</p> <p>6 A Yes.</p> <p>7 Q What platform did you text Mr. Kline on</p> <p>8 within the last two months?</p> <p>9 A I can't recall.</p> <p>10 Q What did you just look at?</p> <p>11 A I looked at his contact, along with 500</p> <p>12 others that are there.</p> <p>13 Q Do you have a text message stream with</p> <p>14 Mr. Kline on your phone right now?</p> <p>15 A I don't believe so.</p> <p>16 Q Can you check?</p> <p>17 A Sure. (Witness complies.)</p> <p>18 No, I do not.</p> <p>19 Q Have you spoken with Mr. Kline this week?</p> <p>20 A No.</p> <p>21 Q Did you review any documents in</p> <p>22 preparation for this deposition?</p> <p>23 A Just what you guys sent me.</p> <p>24 Q Did any of those documents refresh your</p> <p>25 recollection about the events in this case?</p>
<p style="text-align: right;">Page 32</p> <p>1 M. HEIMBACH</p> <p>2 A No.</p> <p>3 Q And when you say just what we sent you,</p> <p>4 do you mean the documents that I attached in the</p> <p>5 July 7th e-mail to you of the case filings?</p> <p>6 A Yes.</p> <p>7 Q And you reviewed those in preparation for</p> <p>8 your deposition today?</p> <p>9 A Yes.</p> <p>10 Q Did you read Discord in preparation for</p> <p>11 your deposition today?</p> <p>12 A No, because Discord shut down my account,</p> <p>13 so I have no access to any of the content on Discord.</p> <p>14 You guys would know better what happened on Discord</p> <p>15 than I would.</p> <p>16 Q When did you first become aware of the</p> <p>17 idea of the Unite the Right event?</p> <p>18 A It would have been after the -- the first</p> <p>19 one, the first Charlottesville event. I don't know</p> <p>20 exactly when.</p> <p>21 Q Was the first Charlottesville event in</p> <p>22 May of 2017?</p> <p>23 A Yes.</p> <p>24 Q And how long after the first</p> <p>25 Charlottesville event in May of 2017 did you become</p>	<p style="text-align: right;">Page 33</p> <p>1 M. HEIMBACH</p> <p>2 aware of the idea of the Unite the Right event?</p> <p>3 A I can't recall.</p> <p>4 Q Approximately?</p> <p>5 A I don't know. April, maybe, June. I</p> <p>6 really don't know.</p> <p>7 Q But it was after May of 2017?</p> <p>8 A Yes.</p> <p>9 Q And how did you become aware of it?</p> <p>10 A I think Jason Kessler made a public post</p> <p>11 of some kind discussing the event.</p> <p>12 Q When did you become aware that you were a</p> <p>13 defendant in this case?</p> <p>14 A I guess when it was front page news,</p> <p>15 whenever it started.</p> <p>16 Q Well, if I represent to you that this</p> <p>17 lawsuit was filed on October 11th, 2017, in relation</p> <p>18 to that, when did you become aware you were a</p> <p>19 defendant?</p> <p>20 A I can't recall exactly.</p> <p>21 Q Was it the day after that this lawsuit</p> <p>22 was filed?</p> <p>23 A I can't recall.</p> <p>24 Q Are you -- withdrawn.</p> <p>25 You have a podcast called the Daily</p>

1 M. HEIMBACH  
2 Traditionalist, right?  
3 A Not anymore.  
4 Q You did have a podcast called the Daily  
5 Traditionalist, right?  
6 A Yes.  
7 Q And that's a podcast where you discuss  
8 white nationalist concepts, right?  
9 A Sure. Yeah.  
10 Q And you had an episode on October 12th of  
11 2017, right?  
12 A I guess.  
13 Q Isn't it true, Mr. Heimbach, that you  
14 spoke about being a defendant in this lawsuit on the  
15 Daily Traditionalist podcast on October 12, 2017?  
16 A I can't recall, but if you have the  
17 recording, I assume so.  
18 MR. BLOCH: Okay. Can we mark  
19 that.  
20 (Heimbach Deposition Exhibit No. 1  
21 was marked for the record.)  
22 BY MR. BLOCH:  
23 Q Okay. I'm going to play Exhibit 1 which  
24 is a podcast. Just have a listen, sir.  
25 Podcast Recording Played:

1 M. HEIMBACH  
2 (I need to bring you back to --)  
3 BY MR. BLOCH:  
4 Q I'm going to pause it right there. Is  
5 that your voice?  
6 A Yes.  
7 Q And is that you on the Daily  
8 Traditionalist podcast?  
9 A Yes.  
10 Podcast Recording Played:  
11 (-- of the reality that we,  
12 unfortunately, have, but there has been a  
13 very interesting sort of development  
14 today. Not one, but two lawsuits, is  
15 what I woke up to this morning,  
16 pertaining to Charlottesville.  
17 And there's a lot of stuff to talk  
18 about on this that I think is very  
19 interesting. And if you're listening to  
20 this, I'm --)  
21 BY MR. BLOCH:  
22 Q Mr. Heimbach, does that refresh your  
23 recollection that you spoke about this lawsuit, the  
24 day after it was filed, on the Daily Traditionalist  
25 podcast?

1 M. HEIMBACH  
2 A I mean, not particularly, but I'm  
3 agreeing that that happened, probably.  
4 Q Well, probably or it happened?  
5 A Well I assume you're telling me the truth  
6 about what date it was aired, so --  
7 Q You agree that that's your voice on the  
8 podcast talking about this lawsuit, right?  
9 A Yes.  
10 Q You're just saying that you are not sure,  
11 as you sit here right now, whether that was on --  
12 A October 12th.  
13 Q -- October 12th?  
14 Did you review the complaint in this case  
15 before that podcast?  
16 A I can't recall.  
17 Q Did you review the complaint in this  
18 case?  
19 A Yes.  
20 Q And did you review the complaint at or  
21 about the time that you heard about the lawsuit?  
22 A I guess. I can't recall specifics, but I  
23 assume so.  
24 Q So would it be fair to say that you  
25 reviewed the complaint in this case at or around the

1 M. HEIMBACH  
2 time of approximately October 12th, 2017?  
3 A I don't believe I had gone through all  
4 112 pages within a day.  
5 Q Okay. Would you say you went through 112  
6 pages at all?  
7 A As of now, yes.  
8 Q Okay. And would you say you did that  
9 within, say, a month of learning of the lawsuit?  
10 A No, I can't really recall.  
11 Q Okay. But you understood at that time  
12 that you were the subject matter of a suit that  
13 concerned -- withdrawn.  
14 You understood that you were a defendant  
15 in a suit that concerned your participation in the  
16 Unite the Right rally, right?  
17 A Yes.  
18 Q And in November of 2017, you were served  
19 with the complaint at your home, right?  
20 A Yes.  
21 Q And I'm going to show you --  
22 (Heimbach Deposition Exhibit No. 2  
23 was marked for the record.)  
24 BY MR. BLOCH:  
25 Q I'm showing you, Mr. Heimbach, what's

1 M. HEIMBACH  
2 been marked as Exhibit 2.  
3 Do you recognize that?  
4 A It looks like the complaint.  
5 Q Okay. And you read that, right?  
6 A Over the last two years, yes.  
7 Q Sometime after you were sued, you hired  
8 attorneys, right?  
9 A Yes.  
10 Q And who are they?  
11 A Mr. Kolenich.  
12 Q Anyone else?  
13 A Oh, Mr. Woodard.  
14 Q And when did you hire Mr. Kolenich and  
15 Mr. Woodard?  
16 A I don't recall. I didn't handle that.  
17 Q Who handled it?  
18 A That would have been Matt Parrott.  
19 Q Why did Matt Parrott handle hiring a  
20 lawyer for you?  
21 A Well, he handled all the back end stuff.  
22 Q What does all the back end stuff mean?  
23 A Anything from IT stuff to logistics and  
24 infrastructure.  
25 Q So when did Mr. Parrott hire an attorney

1 M. HEIMBACH  
2 so I'm going to show you what's marked Exhibit 3.  
3 Have you seen that document before?  
4 A Just now.  
5 Q Okay. And is that a filing that  
6 Mr. Kolenich made, representing to the court on  
7 December 1st, 2017, that he was representing you?  
8 A It looks like.  
9 Q Well, is it?  
10 A Yes.  
11 Q And --  
12 A By the way, misspelled the name of the  
13 organization. Sad.  
14 Q Sorry about that.  
15 Does that refresh your recollection that  
16 you were represented by Mr. Kolenich by December 1st,  
17 2017?  
18 A Sure.  
19 Q When you -- did you, I take it,  
20 communicate with Mr. Kolenich and Mr. Woodard during  
21 the time that they represented you?  
22 A Yes -- well, not Mr. Woodard. I've only  
23 spoken to Mr. Woodard once, I believe, and that was  
24 not in relation to this case. That was in relation  
25 to a criminal matter he was handling for someone

1 M. HEIMBACH  
2 for you?  
3 A I can't recall.  
4 Q By the way, when you say back end stuff,  
5 you mean for Traditionalist Worker Party?  
6 A Yes.  
7 Q Which you are the chairman of, right?  
8 A Yes.  
9 Q Would it be fair to say that you had  
10 hired Mr. Kolenich and Mr. Woodard by December 1st,  
11 2017?  
12 A I mean, I can't recall. I wasn't really  
13 involved in it.  
14 (Heimbach Deposition Exhibit No. 3  
15 was marked for the record.)  
16 BY MR. BLOCH:  
17 Q Mr. Heimbach, I'm showing you -- oh,  
18 withdrawn.  
19 Would you agree with me that,  
20 approximately, by the end of 2017, you were  
21 represented by Mr. Woodard and Mr. Kolenich?  
22 A I mean, I'm going to assume so based on  
23 your line of questioning, but in terms of do I recall  
24 if it was even in 2017, no, I don't.  
25 Q I don't want you to assume, Mr. Heimbach,

1 M. HEIMBACH  
2 else.  
3 Q For whom?  
4 A Jake Goodwin.  
5 Q When did you speak to Mr. Woodard about  
6 Jake Goodwin?  
7 A Whenever he had a bail hearing, which I  
8 can't recall when. I'm sure we can look it up.  
9 Q And was that with respect to  
10 Mr. Goodwin's participation in the Unite the Right?  
11 A Yes.  
12 Q And the event for which he was arrested?  
13 A Yes.  
14 Q And did you e-mail or text with  
15 Mr. Woodard about that?  
16 A I don't believe so.  
17 Q What did you speak to Mr. Woodard about,  
18 specifically, with respect to Mr. Goodwin?  
19 A Trying to get Mr. Goodwin bail and a  
20 place to stay in Charlottesville as he awaited trial,  
21 but I didn't get to speak to him until after the  
22 hearing was already done, and that's the only time  
23 that I can recall that I ever contacted him.  
24 Q When you said you didn't get to speak to  
25 him, you meant Mr. Woodard?

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1 M. HEIMBACH

2 A Yes.

3 Q And you were -- did you reach out to Mr.  
4 Woodard?

5 A I just walked up to him.

6 Q But he didn't reach out to you for help  
7 for Mr. Goodwin. You reached out to Mr. Woodard for  
8 help for Mr. Goodwin?

9 A He didn't know me from Adam when I walked  
10 up to him.

11 Q So the answer to that question is yes?

12 A Yes.

13 Q And you were offering to help out with  
14 bail and a place to stay for Mr. Goodwin?

15 A To connect with people that would be able  
16 to do that, yes. Not me personally.

17 Q When did you do that?

18 A Whenever his case was.

19 Q And did you know Mr. Goodwin prior to  
20 Unite the Right?

21 A On a first-name basis, no.

22 Q But you had interacted with him?

23 A Yes.

24 Q And you had communicated with him about  
25 Unite the Right prior to Unite the Right, right?

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1 M. HEIMBACH

2 A I can't recall.

3 Q Well, did you?

4 A I mean, I talked to a lot of people. I  
5 have absolutely no idea.

6 Q Well, do you recall -- you said you knew  
7 him -- withdrawn.

8 MR. BLOCH: Sorry. We're having  
9 technical issues.

10 (Brief pause.)

11 BY MR. BLOCH:

12 Q When I asked you if you knew Mr. Goodwin  
13 prior to Unite the Right, you said: On a first-name  
14 basis, no.

15 Right?

16 A Yes.

17 Q Am I correct that you knew him in some  
18 capacity prior to Unite the Right?

19 A Like we were at the same place together?  
20 Yes. He came to the rally in Pikeville, Kentucky,  
21 which was in April of 2017. In terms of I don't know  
22 if I even spoke to him at that event, and -- so I  
23 mean, no, I guess.

24 In terms of like knowing him or having  
25 conversations, having a beer, no. We went to the

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1 M. HEIMBACH

2 same white nationalist event prior to Unite the  
3 Right.

4 Q And you interacted with him at that event  
5 prior to Unite the Right, right?

6 A I can't recall an actual interaction with  
7 him, but he was there at the same event along with  
8 200 other people.

9 Q When did you become aware that he was at  
10 that event? At the event?

11 A Well, after -- after you Unite the Right,  
12 to where I was able to put a name to a face.

13 Q Okay. Did you discuss the Unite the  
14 Right rally with Mr. Goodwin, ever?

15 A I don't know.

16 Q Is it possible?

17 A Other than when I visited him in jail,  
18 but that wasn't in regard -- that was in regards to  
19 say his case.

20 Q And just to be clear, you talked to him  
21 about his case, right?

22 A Yeah. I told him to keep his head up.

23 Q I'm sorry?

24 A Told him to keep his head up.

25 Q And when you say the case that you talked

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1 M. HEIMBACH

2 to him about, that's referring to the incident for  
3 which he was arrested at Unite the Right, right?

4 A Yes.

5 Q When you communicated with your  
6 attorneys -- withdrawn.

7 When you communicated with Mr. Kolenich,  
8 did you communicate with him by telephone?

9 A Primarily, yes.

10 Q Did you also communicate with him by  
11 e-mail?

12 A I can't remember a whole lot of times of  
13 e-mailing him. Again, usually Matt Parrott handled  
14 all the communications with the lawyers.

15 Q Okay. So I'm not asking the number of  
16 times or who else communicated with him.

17 I'm asking did you ever communicate with  
18 Mr. Kolenich over e-mail.

19 A Besides the time we already just talked  
20 about, in regards to getting the interrogatories and  
21 such?

22 Q Yes.

23 A I can't recall.

24 Q During the time that Mr. Kolenich  
25 represented you, did you communicate with him over

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1 M. HEIMBACH  
2 e-mail?  
3 A I can't recall.  
4 Q Did he send you documents over e-mail?  
5 A I can't recall.  
6 Q Did Mr. Kolenich ever send you documents  
7 to review during the time that he represented you?  
8 A I can't recall.  
9 Q When you communicated with him by  
10 telephone, what was your phone number?  
11 A Same number I've always had,  
12 (301)525-1474.  
13 Q And what e-mail address did you have at  
14 the time you were represented by Mr. Kolenich?  
15 A Matthew.w heimbach@gmail.com.  
16 Q And do you have ability to send text  
17 messages on that phone?  
18 A Yes.  
19 Q And can you get voicemails on that phone?  
20 A Yes.  
21 Q Do you check your voicemails?  
22 A No.  
23 Q Never?  
24 A I have too much debt.  
25 Q I'm sorry?

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1 M. HEIMBACH  
2 A Yes.  
3 Q So does that refresh your recollection  
4 that that is around the time that you fired  
5 Mr. Kolenich?  
6 A Yes.  
7 Let's make a pile.  
8 (Heimbach Deposition Exhibit No. 5  
9 was marked for the record.)  
10 BY MR. BLOCH:  
11 Q Mr. Heimbach, I'm showing you Exhibit 5.  
12 Do you recognize that document?  
13 A No.  
14 Q Just take a look through it.  
15 A Yeah, I believe you and Mr. Bloch sent me  
16 a copy of this at some point in the not too distant  
17 past.  
18 Q Did you receive that prior to my having  
19 sent it to you, at any point?  
20 A I can't recall.  
21 Q Did you ever discuss the contents of that  
22 document with anybody?  
23 A I can't recall.  
24 Q Are those the requests for documents that  
25 Plaintiffs served on you?

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1 M. HEIMBACH  
2 A I have too much debt, debt collections.  
3 I never answer numbers I don't know and don't check  
4 my voicemail.  
5 Q At some point, you fired Mr. Kolenich and  
6 Mr. Woodard, right?  
7 A Yes.  
8 Q And why did you do that?  
9 A I couldn't afford to pay them.  
10 Q And when did you fire them?  
11 A I can't recall.  
12 (Heimbach Deposition Exhibit No. 4  
13 was marked for the record.)  
14 BY MR. BLOCH:  
15 Q Mr. Heimbach, I'm showing you Exhibit  
16 No. 4.  
17 Is that an e-mail from Mr. Kolenich to  
18 Karen Dotson at the court?  
19 A Yes.  
20 Q And does it state: Mr. Heimbach fired me  
21 and forbid me to take any further action on his  
22 behalf?  
23 A Yes.  
24 Q And was that e-mail sent on  
25 December 17th, 2018?

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1 M. HEIMBACH  
2 A I assume so.  
3 Q Well, is that what it says?  
4 A Yes.  
5 Q And do you recall receiving these in 2018  
6 at any time?  
7 A I can't recall.  
8 Q Have you ever read that document prior to  
9 my sending it -- withdrawn.  
10 Have you ever read that document?  
11 A Since you sent it to me? Yes.  
12 Q Have you read it at any time before my  
13 sending it to you?  
14 A I can't recall.  
15 Q Do you understand what the document is?  
16 A I believe so.  
17 Q What is it?  
18 A A request for maintaining discovery.  
19 Q Is it a request from Plaintiffs to you  
20 requesting documents from you?  
21 A That's my name.  
22 Q So is the answer yes?  
23 A Yes.  
24 Q And you understand -- and you're saying  
25 you have no recollection of having received this

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M. HEIMBACH

document prior to my sending it to you?

A I can't recall.

Q You don't know if Mr. Kolenich sent it to you, ever?

A I can't recall. He would have probably a better record than I do.

Q You don't recall having any discussions about what documents you need to produce in this case?

A I can't recall.

Q If you could turn to page three.

Do you see Paragraph 5 states: Events means the occurrence and activities described in Paragraph 45 to 335 of the Amended Complaint?

A Yes.

Q And if you could turn to page -- sorry. If you could turn to page two. And you see the definition, Paragraph No. 3 for concerning?

A I can see it. I'm reading it now. Yes.

Q You understand that's an extraordinarily broad definition of the word concerning?

A Indeed.

Q And if you could turn to page eight.

And you see that this requests all

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M. HEIMBACH

documents and communications concerning the events including, without limitation, all documents and communications, and then it lists eight categories, right?

A Yes.

Q You understand, Mr. Heimbach, that this document request is asking for any documents that concerned anything having to do with the Unite the Right event?

A Yes.

Q The events leading up to the Unite the Right?

A Yes.

Q Including the May 13th event in Charlottesville, right?

A I suppose so.

Q Well, is that right?

A I mean, if that's what you requested, then yes.

Q Is that what we requested?

A I mean, I haven't seen anything in regards to the first rally, but sure. Yes.

Q Well, if you'd look at Request No. 2, it asks for all documents, communications concerning

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M. HEIMBACH

events, meetings, rallies, conferences or conversations held prior to the events that relate to the events in any way.

Do you see that?

A Yes.

Q And you'd agree that includes the Charlottesville 1.0 event?

A I mean, I would disagree. I think they were completely separate events with separate purposes.

Q So you think Charlottesville 1.0 had nothing to do with Charlottesville 2.0?

A No, it was more of a conference and dinner sort of arrangement.

Q Wasn't there a torch light rally at Charlottesville, 1.0?

A Yes.

Q Weren't there references in planning Charlottesville 2.0 to Charlottesville 1.0?

A I suppose so.

Q And you understand that this document requests all documents concerning -- I'm focused on Request No. 3 -- communications concerning or with a number of entities, including Traditionalist Worker

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Party?

A Yes.

Q Do you understand this includes a request for documents about violence on the basis of race, religion or ethnicity?

A Yes.

Q This includes a request for documents about your social media accounts?

A Yup.

Q And it requests documents concerning your communications about or with other defendants, right?

A Yes.

Q And you understand that when we request documents, that includes videos, right?

A Sure.

Q Does it?

A Yes.

Q You understand that, right?

A Yes.

Q Photographs?

A Yes.

Q E-mails, right?

A Yes.

Q Text messages?

1 M. HEIMBACH  
2 A Yes.  
3 Q Podcasts?  
4 A Yes.  
5 Q Social media content, right?  
6 A Yes.  
7 Q And is it your testimony that you don't  
8 have any recollection of reviewing that document or  
9 discussing that document in any way prior to my  
10 sending it to you in June of 2019?  
11 A I can't recall.  
12 Q So is the answer to my question, yes, you  
13 have no recollection of that?  
14 A I have no recollection.  
15 Q If you could turn to page five.  
16 Do you understand, Mr. Heimbach, that the  
17 instructions in Paragraph G state that: Whether or  
18 not you object, you must preserve all documents and  
19 communications relevant to the lawsuit, including all  
20 documents and communications responsive to these  
21 requests?  
22 A Yes.  
23 Q And that includes, for example, laptops,  
24 right?  
25 A Yes.

1 M. HEIMBACH  
2 Q Personal computers?  
3 A Yup.  
4 Q Personal digital assistants?  
5 A Yes.  
6 Q Handheld wireless device?  
7 A Yes.  
8 Q Mobile telephones, right?  
9 A Yes.  
10 (Heimbach Deposition Exhibit No. 6  
11 was marked for the record.)  
12 BY MR. BLOCH:  
13 Q Mr. Heimbach I'm showing you what's been  
14 marked as Exhibit 6.  
15 Do you recognize this?  
16 A No.  
17 Q Take a minute.  
18 A I think I get the gist.  
19 Q Are those Plaintiffs' First Set of  
20 Interrogatories to All Defendants?  
21 A Yes.  
22 Q And you understand that All Defendants  
23 includes you?  
24 A Yes.  
25 Q And do you recognize those documents --

1 M. HEIMBACH  
2 that document? Have you received it before?  
3 A I can't recall reading it prior to -- I  
4 believe you sent this to me, as well.  
5 Q So you recall that I sent it to you?  
6 A I believe so, yes.  
7 Q And you've reviewed it since I sent it to  
8 you?  
9 A I'm reviewing it now.  
10 Q Prior to right now, have you reviewed  
11 these ever?  
12 A No, I don't believe so.  
13 Q Do you recall receiving those anytime in  
14 2018?  
15 A I don't recall.  
16 Q So you might have; you might not have?  
17 A I don't recall one way or the other.  
18 Q You understand that that document  
19 requests information about sources of documents?  
20 A Yes.  
21 (Heimbach Deposition Exhibit No. 7  
22 was marked for the record.)  
23 BY MR. BLOCH:  
24 Q And, Mr. Heimbach, I'm now showing you  
25 what's been marked as Exhibit 7.

1 M. HEIMBACH  
2 Do you recognize that document?  
3 A No.  
4 Q Take a look through it.  
5 A Okay.  
6 Q Do you recognize that document?  
7 A No.  
8 Q Have you ever received that document  
9 before?  
10 A I don't know. Given that it's an  
11 interrogatory, I assume this is what Mr. Kolenich had  
12 sent me, but I haven't reviewed it.  
13 Q Didn't I send you that document last  
14 week?  
15 A I don't believe I opened it.  
16 Q Didn't you request me to send that to you  
17 multiple times?  
18 A Yes.  
19 Q And did you receive an e-mail from me  
20 last week with an attachment?  
21 A I assume so, yes. You sent me an e-mail  
22 with attachments.  
23 Q And you didn't open it?  
24 A This is going to be upcoming the first  
25 weekend I've actually had off from work, where I was

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1 M. HEIMBACH  
 2 going to be digging through all the things I've  
 3 received over the last month or so.  
 4 Q So is the answer to my question, no, you  
 5 didn't open it?  
 6 A No.  
 7 Q If you could turn to the back page, is  
 8 that your signature, Mr. Heimbach?  
 9 A Yes.  
 10 Q And you signed this on April 11th, 2018,  
 11 right?  
 12 A Yes.  
 13 Q And you signed it under an acknowledgment  
 14 that states: Personally appeared before me, Matthew  
 15 Heimbach, on April 11, 2018, and did swear that the  
 16 above responses to the interrogatories and requests  
 17 for production of documents are true and correct to  
 18 the best of his knowledge on that date listed in this  
 19 acknowledgment.  
 20 Right?  
 21 A Yes.  
 22 Q And the notary who notarized that was  
 23 Jessica Parrott, right?  
 24 A Yes.  
 25 Q The document includes questions and

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1 M. HEIMBACH  
 2 other people about the events at issue in this case,  
 3 right?  
 4 A Yes.  
 5 Q And just to be clear, when I say the  
 6 events at issue in this case, I am referring to the  
 7 definition in those documents requests.  
 8 A Uh-huh.  
 9 Q That we just went over, right?  
 10 A Right.  
 11 Q You agree that you generated documents  
 12 about the events at issue in this case, right?  
 13 A Yes.  
 14 Q You generated documents before  
 15 August 12th, 2017, right?  
 16 A I can't recall.  
 17 Q Did you send an e-mail or a text message  
 18 about Unite the Right prior to August 12th, 2017?  
 19 A To just other people?  
 20 Q Yes.  
 21 A Yes.  
 22 Q Do you agree that you generated some form  
 23 of documents during the events on August 12th, 2017,  
 24 right?  
 25 A I can't recall.

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1 M. HEIMBACH  
 2 answers, right?  
 3 A Yes.  
 4 Q And you can tell, by looking at it, which  
 5 are the questions and which are the answers, right?  
 6 A Yes.  
 7 Q And did you supply the information that  
 8 appears in the answers?  
 9 A I believe I had a conversation with  
 10 Mr. Kolenich, who had written this.  
 11 Q And is it your understanding that he  
 12 wrote those answers in response to the information  
 13 that you gave to him?  
 14 A Yes.  
 15 Q And you agree with me that, after that  
 16 was done, you reviewed it and signed and swore that  
 17 the responses are true and correct to the best of  
 18 your knowledge on April 11, 2018?  
 19 A Yes. I don't even recall doing this, but  
 20 it's in front of me. So --  
 21 Q You agree that that happened?  
 22 A Yes.  
 23 Q Now, you agree, Mr. Heimbach -- I'm done  
 24 with that for the time being. We'll come back to it.  
 25 You agree that you've communicated with

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1 M. HEIMBACH  
 2 Q Do you -- did you send a text message on  
 3 August 12, 2017 to anybody concerning Unite the  
 4 Right?  
 5 A I can't recall.  
 6 Q Do you agree with me that you generated  
 7 documents after the events on August 12th, 2017 that  
 8 concerned the events in this case, right?  
 9 A Yes.  
 10 Q And you have sent and received text  
 11 messages about the events at issue in this case?  
 12 A Yes.  
 13 Q You have sent and received e-mails about  
 14 it?  
 15 A Yes.  
 16 Q You have posted about it on social media  
 17 platforms, right?  
 18 A I can't recall specifics.  
 19 Q Do you agree with me that you have posted  
 20 about the events at issue in this case on any social  
 21 media platform?  
 22 A I can't recall any specific postings.  
 23 Q I'm not talking about the recollection of  
 24 specific content of postings.  
 25 Have you posted on any social media

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1 M. HEIMBACH  
2 platform about the events at issue in this case?  
3 A I can't recall.  
4 Q You don't recall if you had a Discord  
5 account?  
6 A I did have a Discord account.  
7 Q Did you post on Discord about the events  
8 at issue in this case?  
9 A After the event?  
10 Q At any time.  
11 A I can't recall the specifics. You guys  
12 would have the transcripts of Discord.  
13 Q I'm not asking you about specifics.  
14 My question is: Did you post, at all, on  
15 Discord about the Unite the Right rally, ever?  
16 A I can't recall what my postings were.  
17 Q I'm not asking you what the postings  
18 were, Mr. Heimbach.  
19 A Well, one kind of needs to know what the  
20 postings were as if they related.  
21 Q Is it your testimony that sitting here  
22 today you do not recall whether or not you have  
23 posted anything on any social media platform about  
24 the events at issue in this case?  
25 A I almost -- I certainly have done some

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1 M. HEIMBACH  
2 postings, but I can't recall what they were.  
3 Q But you agree with me you've done some  
4 posings, right?  
5 A Sure.  
6 Q You've spoken about the events at issue  
7 in this case on podcasts, right?  
8 A Yes.  
9 Q You've written articles about it, right?  
10 A I assume so.  
11 Q You have spoken about it on videos,  
12 right?  
13 A Yes.  
14 Q You have given speeches about Unite the  
15 Right, right?  
16 A Yes.  
17 Q You have given media interviews about  
18 Unite the Right, right?  
19 A Yes.  
20 Q Have you communicated about the Unite the  
21 Right rally or any of the events at issue in this  
22 case in any other fashion?  
23 A Not that I can recall.  
24 Q I'm now going to go through a list of  
25 people and ask if you've communicated with them about

Page 64

1 M. HEIMBACH  
2 the events at issue in this case. Okay?  
3 A Okay.  
4 Q Matthew Parrott?  
5 A Yes.  
6 Q How have you communicated in -- with  
7 Matthew Parrott about the events at issue in this  
8 case, and by that I mean by what format?  
9 A I mean, most exclusively verbal.  
10 Q Have you sent text messages to Matthew  
11 Parrott about the events at issue in this case?  
12 A Yes.  
13 Q E-mail?  
14 A I can't recall.  
15 Q Possibly?  
16 A Honestly -- I mean, we live next door to  
17 each other, so almost all our communication was  
18 verbal.  
19 Q I'm not asking about almost all of your  
20 communications.  
21 A I don't know.  
22 Q I'm asking is it possible you have sent  
23 an e-mail to Matthew Parrott about the events at  
24 issue in this case?  
25 A I don't know.

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1 M. HEIMBACH  
2 Q Is it possible you've received an e-mail  
3 from Matthew Parrott about the events at issue in  
4 this case?  
5 A I don't know.  
6 Q Tony Hovater?  
7 A Yes.  
8 Q By text?  
9 A Meaning?  
10 Q Have you sent or received a text message  
11 with Tony Hovater about the events at issue in this  
12 case at any time?  
13 A Yes.  
14 Q E-mail?  
15 A I can't recall.  
16 Q Social media platform?  
17 A I can't recall.  
18 Q Ike Baker?  
19 A Yes.  
20 Q Have you texted with him about the events  
21 at issue in this case?  
22 A Ever?  
23 Q Yes.  
24 A Yes.  
25 Q E-mail?

1 M. HEIMBACH  
2 A I can't recall.  
3 Q In-person?  
4 A Yes.  
5 Q Mike Peinovich?  
6 A I can't recall discussing it with him at  
7 all.  
8 Q You can't recall ever discussing with  
9 Mike Peinovich the events at issue in this case?  
10 A No, Enoch's kind of part of a different  
11 subculture where there's not a whole lot of overlap.  
12 Q If you could go back to Exhibit 7?  
13 A Uh-huh.  
14 Q And if you look at Discovery Request No.  
15 3?  
16 A Yes.  
17 Q And it says: Identify all persons with  
18 whom you communicated concerning the events, whether  
19 before, during or after the events.  
20 Right?  
21 A Uh-huh.  
22 Q And you listed Mike Peinovich, right?  
23 A Yes.  
24 Q Does that refresh your recollection that  
25 you communicated with him about the events at issue

1 M. HEIMBACH  
2 in this case?  
3 A Not particularly, but if I said it in  
4 April of 2018, my memory was probably a little  
5 fresher.  
6 Q Jason Kessler?  
7 A Yes.  
8 Q Text?  
9 A Yes.  
10 Q E-mail?  
11 A I can't recall.  
12 Q Social media?  
13 A I can't recall that, either.  
14 Q Have you met in-person with Mr. Kessler  
15 about the events at issue in this case?  
16 A I had lunch with him, but that was after  
17 the first Charlottesville event, or it might have  
18 been before -- somewhere in there -- but we didn't  
19 discuss this matter. I can't recall meeting him any  
20 other time until, you know, August 12th.  
21 Q On August 12th, did you meet with him and  
22 discuss the events at issue in this case?  
23 A I didn't see him, no.  
24 Q Didn't you just say you can't recall  
25 meeting him until August 12th?

1 M. HEIMBACH  
2 A Well, I mean we were at the same place.  
3 Q Did you see him?  
4 A No, I didn't see him until -- we did  
5 text, however, on August 13th, I believe.  
6 Q You specifically remember sending a text  
7 message with Jason Kessler on August 13th?  
8 A Yes.  
9 Q But you don't recall whether or not  
10 you've texted at all with Mike Peinovich?  
11 A About this event? No.  
12 The reason I remember that I texted  
13 Mr. Kessler is he had asked us to come with him to  
14 his press conference, which -- in which he was  
15 brutally assaulted.  
16 So I declined that, and then saw it on  
17 the news, so that kind of sticks in the old noggin.  
18 Q It's your testimony Mr. Kessler was  
19 brutally assaulted at his press conference?  
20 A Yes.  
21 Q Have you spoken with Jeff Schoep about  
22 this case?  
23 A Yes.  
24 Q By text?  
25 A Yes.

1 M. HEIMBACH  
2 Q E-mail?  
3 A I don't believe -- I can't recall.  
4 Q In-person?  
5 A Yes.  
6 Q Social media?  
7 A I can't recall.  
8 Q Have you spoken with Richard Spencer  
9 about the events at issue in this case?  
10 MR. DINUCCI: Mike, I'd like --  
11 this is John DiNucci. At this point, I'd  
12 like to interject an objection just based  
13 on the Paragraph 4 of Judge Hoppe's order  
14 of July 3rd. I'm --  
15 MR. BLOCH: Understood,  
16 Mr. DiNucci.  
17 MR. DINUCCI: And I would ask if  
18 you would agree that I have a continuing  
19 objection based on the language of  
20 Paragraph 4 of that order so I don't have  
21 to keep interrupting you.  
22 MR. BLOCH: You do have a  
23 continuing objection. I appreciate you  
24 not interrupting or anymore speaking  
25 objections.

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1 M. HEIMBACH  
2 MR. DINUCCI: Then we have an  
3 agreement. Thank you.  
4 And so I object --  
5 MR. BLOCH: I'm sorry.  
6 MR. DINUCCI: Go ahead.  
7 BY MR. BLOCH:  
8 Q Richard Spencer, did you communicate with  
9 him by text about the events at issue in this case?  
10 A I can't recall.  
11 Q Have you ever texted with Richard  
12 Spencer, ever?  
13 A Yes.  
14 Q By e-mail?  
15 A I can't recall.  
16 Q Have you ever e-mailed with Mr. Spencer,  
17 ever?  
18 A I can't recall.  
19 Q You can't recall whether you've sent or  
20 received an e-mail from Mr. Spencer?  
21 A No.  
22 Q Did you communicate with Mr. Spencer  
23 in-person about the events at issue in this case?  
24 A I can't recall.  
25 Q Chris Cantwell, have you communicated

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1 M. HEIMBACH  
2 with him by text about this case?  
3 A Yes.  
4 Q And about the events at issue in this  
5 case?  
6 A Yes.  
7 Q By e-mail?  
8 A I can't recall.  
9 Q Do you recall sending or receiving an  
10 e-mail from anybody, ever, about this case?  
11 A No.  
12 Q Communicate in-person with Mr. Cantwell  
13 about the events at issue in this case?  
14 A In relation to his specific case, not in  
15 relation to the civil lawsuit.  
16 Q So you're saying you have spoken with  
17 Mr. Cantwell about the case for which he was arrested  
18 at the Unite the Right rally, right?  
19 A The night before the Unite the Right  
20 rally, but yes.  
21 Q Meaning on August 11th torch light march?  
22 A Yes.  
23 Q You've spoken with Mr. Cantwell about  
24 that?  
25 A Yes.

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1 M. HEIMBACH  
2 Q How about James Alex Fields, have you  
3 ever communicated with him in any way about the  
4 events at issue in this case?  
5 A I don't believe so, no. I might have  
6 sent a letter that didn't discuss the details, but I  
7 can't recall.  
8 Q Okay. It's possible that the letter you  
9 sent might have discussed the events at issue in this  
10 case, right?  
11 A Potentially.  
12 Q Did you ever communicate with Mr. Fields  
13 by text?  
14 A No.  
15 Q E-mail?  
16 A No.  
17 Q Have you ever received a letter from  
18 Mr. Fields?  
19 A No.  
20 Q How about Dillon Hopper, ever discuss  
21 with him the events at issue in this case?  
22 A Yes.  
23 Q Texted with him?  
24 A Primarily in-person, but yes, we have  
25 texted.

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1 M. HEIMBACH  
2 Q About the events at issue?  
3 A Yes.  
4 Q E-mail?  
5 A No -- well, I don't recall.  
6 Q Thomas Rousseau?  
7 A Not at all, I don't think, except for  
8 seeing him at the event, which is the only time I've  
9 ever seen him.  
10 Q Michael Hill?  
11 A Yes.  
12 Q Text?  
13 A I can't recall.  
14 Q Possible that you texted with him?  
15 A I can't recall.  
16 Q E-mail?  
17 A I can't recall.  
18 Q Michael Tubbs?  
19 A I can't recall.  
20 Q You can't recall ever communicating with  
21 Michael Tubbs about the events at issue in this case?  
22 A No. I mean, besides seeing him there, in  
23 person.  
24 Q Did you speak to him on August 12th?  
25 A Yes.

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1 M. HEIMBACH  
2 Q Did you speak to Michael Hill on  
3 August 12th?  
4 A Yes.  
5 Q Did you speak to Thomas Rousseau on  
6 August 12th?  
7 A Yes.  
8 Q Did you speak to James Fields on  
9 August 12th?  
10 A No.  
11 Q Did you speak to Mr. Cantwell on  
12 August 12th?  
13 A I can't recall.  
14 Q How about Augustus -- withdrawn.  
15 Did you speak to Eli Kline on  
16 August 12th?  
17 A I can't recall.  
18 Q Augustus Sol Invictus, ever communicate  
19 with him about this case?  
20 A Yes.  
21 Q Derek Davis?  
22 A Yes.  
23 Q Does Derek Davis also go by Commander  
24 Davis?  
25 A I mean, only if I go by Chairman

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1 M. HEIMBACH  
2 Heimbach.  
3 Q Is the answer to the question, yes?  
4 A At one time that would have been his  
5 position, yes -- well, no, actually. Because he was  
6 the party quartermaster.  
7 So I don't know about his social media  
8 handles, but his actual position would have been  
9 quartermaster.  
10 Q But you texted with him about Unite the  
11 Right, right?  
12 A I can't recall.  
13 Q E-mail?  
14 A I can't recall.  
15 Q Cesar Ortiz?  
16 A Yes.  
17 Q Communicate with him about the events at  
18 issue here?  
19 A Well, he was there, so we spoke on that  
20 day.  
21 Q That's the only time you've ever spoken  
22 to Cesar Ortiz about the Unite the Right rally?  
23 A I can't recall any other times.  
24 Q Did you ever text with Cesar Ortiz?  
25 A I can't recall.

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1 M. HEIMBACH  
2 Q Does Cesar Ortiz also go by Cesar Hess?  
3 A On social media.  
4 Q Does Cesar Ortiz also go by Cesar Adolfo?  
5 A I don't know.  
6 Q How long have you known Cesar Ortiz?  
7 A I don't know. Three years.  
8 Q Have you ever e-mailed with him about the  
9 events at issue in this case?  
10 A I can't recall.  
11 Q Is there anyone else that you can recall,  
12 sitting here today, communicating with about the  
13 events at issue in this case, other than the people  
14 that I mentioned?  
15 A No, I can't recall anyone.  
16 Q You're familiar with Discord, right?  
17 A Yes.  
18 Q And you had an account on Discord, right?  
19 A Yes.  
20 Q When did you create your account on  
21 Discord?  
22 A I can't recall.  
23 Q Was it prior to 2017?  
24 A I don't know.  
25 Q Was it prior to the Unite the Right

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1 M. HEIMBACH  
2 rally?  
3 A Yes, I believe.  
4 Q When was the Unite the Right rally?  
5 A August of 2017.  
6 Q And did you create a Discord account  
7 prior to that?  
8 A I believe so.  
9 Q How long prior to the Unite the Right  
10 rally had you created your Discord account?  
11 A I can't recall.  
12 Q Now, when you sign up for a Discord  
13 account, you provide an e-mail address that's  
14 associated with the account, right?  
15 A I can't recall.  
16 Q Is it your testimony, Mr. Heimbach,  
17 sitting here today, you can't recall whether there  
18 was an e-mail address associated with your Discord  
19 account?  
20 A I can't remember the set-up process,  
21 so -- if you're -- if you're telling me there's an  
22 e-mail, then I'm willing to believe you, but I don't  
23 remember the set-up process.  
24 The account was set up several years ago.  
25 I don't remember the set-up.

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1 M. HEIMBACH

2 Q I'm asking you, was there an e-mail  
3 address associated with your Discord account?

4 A Yes. I don't recall, however, if it was  
5 part of the initial sign-up process.

6 Q That wasn't my question.  
7 What was the e-mail address associated  
8 with your Discord account?

9 A That would have been  
10 matthew.w heimbach@gmail.com.

11 Q So just to be clear, based on the  
12 question that I just asked you, you do recall whether  
13 or not you had an e-mail address associated with your  
14 Discord account, right?

15 A You said when I signed up.

16 Q You do recall that there's an e-mail  
17 address associated with your Discord account,  
18 correct?

19 A Yes, I'm just saying I don't recall if  
20 that was part of the initial set-up process.

21 Q And there also was a four-digit number  
22 associated with your account, right?

23 A I can't recall.

24 Q Do you remember that the number 4345 was  
25 associated with your Discord account?

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1 M. HEIMBACH

2 A I can't recall.  
3 (Heimbach Deposition Exhibit No. 8  
4 was marked for the record.)

5 BY MR. BLOCH:

6 Q I'm showing you Exhibit No. 8,  
7 Mr. Heimbach, if you could take a look at that.

8 Do you see about halfway down the page  
9 there's a screen shot of your Discord account?

10 A Yes.

11 Q And you agree that that's your Discord  
12 account?

13 A Yes.

14 Q And you agree that the handle associated  
15 with the Discord account is MatthewHeimbach#4345?

16 A Yes.

17 Q And just to be clear, MatthewHeimbach is  
18 one word, right?

19 A Yes.

20 Q With no space in between W and Heimbach,  
21 correct?

22 A Yes.

23 Q Now, you were the only person that had  
24 access to your user name and password, right, to  
25 Discord?

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1 M. HEIMBACH

2 A I believe so.

3 Q And so you would agree that the messages  
4 posted on Discord with the handle MatthewHeimbach,  
5 one word, were posted by you, right?

6 A I assume so.

7 Q Well, isn't that true, Mr. Heimbach?

8 A I believe so, yes.

9 Q Did you also send private messages on  
10 Discord?

11 A Yes.

12 Q And other than MatthewHeimbach, one word,  
13 did you have any other accounts on Discord?

14 A No.

15 Q Did you use your phone or your commune --  
16 or your computer to communicate on Discord?

17 A I don't believe so.

18 Q Well --

19 A Or in terms of the phone, on the  
20 computer.

21 Q You used your computer to communicate  
22 over Discord?

23 A Yes.

24 Q And did you also have an app --  
25 withdrawn.

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1 M. HEIMBACH

2 Did you also have the Discord app on your  
3 phone?

4 A I don't recall.

5 Q Do you still have a Discord account?

6 A No.

7 Q When did you stop using Discord?

8 A When Discord shut my account down.

9 Q And when was that?

10 A I can't recall.

11 Q How did become aware that Discord had, in  
12 your own words, shut your account down?

13 A They had sent me an e-mail, I believe.

14 Q And was that to your  
15 matthew.w heimbach@gmail.com account?

16 A Yes.

17 (Heimbach Deposition Exhibit No. 9  
18 was marked for the record.)

19 BY MR. BLOCH:

20 Q I'm showing you, Mr. Heimbach, Exhibit  
21 No. 9.

22 Mr. Heimbach, is that a shot of your --  
23 some postings you made on Discord?

24 A It looks like.

25 Q And is -- referring to the top posting,

1 M. HEIMBACH  
2 that says MatthewHeimbach 2017-8-3 -- meaning  
3 August 3rd, 2017 -- and the text says: The helmets  
4 have arrived.

5 And there's a photo underneath of a stack  
6 of helmets.

7 A Hard hats, but yes.

8 Q Hard hats. Thank you.

9 You posted that on Discord, right?

10 A Yes.

11 Q And did you take that photo?

12 A No.

13 Q Who took that photo?

14 A Derek Davis.

15 Q And how did it get onto your Discord  
16 account?

17 A He sent it to me. I'm not sure where. I  
18 assume probably over Discord.

19 Q And then you uploaded it to your Discord  
20 account?

21 A Yes, I believe so.

22 Q Do you know, how would Derek Davis have  
23 sent you that photo over Discord?

24 A Through private message, I assume.

25 Q Is it possible he texted it to you?

1 M. HEIMBACH

2 A I don't know.

3 Q Is it possible?

4 A I don't know.

5 Q Well, that's sort of a yes or no  
6 question.

7 Is it possible that he texted that to  
8 you? It's either possible or it's not possible.

9 A I guess.

10 Q Is it possible he e-mailed it to you?

11 A No. I can't recall ever e-mailing with  
12 Mr. Davis.

13 Q But you know for sure that you didn't  
14 take that photo?

15 A Yeah, it's not my house.

16 (Heimbach Deposition Exhibit No. 10  
17 was marked for the record.)

18 BY MR. BLOCH:

19 Q I'm going to show you Exhibit 10,  
20 Mr. Heimbach.

21 Mr. Heimbach, are those posts that were  
22 made on Discord, including one of yours?

23 A It looks like.

24 Q And you see the fourth post down, there's  
25 a post by someone named J-A-P-Z-Z-I, who writes:

1 M. HEIMBACH  
2 Anywhere you can see pictures from the event.  
3 Cheering you guys on.

4 Do you see that?

5 A Yes.

6 Q And underneath that is a post by you,  
7 right?

8 A Yes.

9 Q And you wrote on Discord: Quote, As soon  
10 as it's happening, we'll have them.

11 Right?

12 A Yes.

13 Q And you wrote that on August 9th, 2017,  
14 right?

15 A Looks like.

16 Q Well, isn't that true?

17 A Yes.

18 Q And why did you believe that there would  
19 be photographs from the event at that time?

20 A Well, at that time, I thought the  
21 Charlottesville Police Department, the state police,  
22 the National Guard and the FBI would do their jobs to  
23 allow a permitted rally, where we could peacefully  
24 assemble, give speeches, take photographs, take  
25 video, and then we could all go home.

1 M. HEIMBACH

2 So, at that point, I assumed the police  
3 were going to do their jobs.

4 Q And did you also assume that somebody  
5 would be taking photographs on behalf of the  
6 Traditionalist Worker Party?

7 A Yes.

8 Q And who is that, that was going to be  
9 doing that?

10 A That would be Jason Augustus.

11 Q Okay. And Mr. Augustus took photographs  
12 of the Unite the Right rally?

13 A His camera was destroyed at the event, I  
14 believe. We didn't get any usable photographs or  
15 video that I can recall.

16 Q But the plan was for Mr. Augustus to take  
17 pictures of the event, right?

18 A Yes.

19 Q And he did take pictures of the event,  
20 right?

21 A He got maced very early on. I don't know  
22 if he actually was even able to take any photos.

23 Q How do you know that Mr. Augustus's  
24 camera was broken?

25 A Because he no longer had the camera after

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1 M. HEIMBACH  
2 the event.  
3 Q Did he tell you that?  
4 A Not that I can recall, but we weren't  
5 able to film videos for an extended period of time  
6 until a new camera was purchased.  
7 Q Are you aware of any photographs that  
8 were taken at the Unite the Right rally?  
9 A Just the ones, really, in the media.  
10 Q Why was Jason Augustus tasked with taking  
11 photographs for the Traditionalist Worker Party?  
12 A Because he had a camera.  
13 Q And that was his role in the  
14 Traditionalist Worker Party to do that?  
15 A Yeah.  
16 Q When did you learn his camera was  
17 destroyed?  
18 A When I asked him when we were going to be  
19 uploading pictures and video and there was none.  
20 Q And what date was that, approximately?  
21 A Not too long after the event.  
22 (Heimbach Deposition Exhibit No. 11  
23 was marked for the record.)  
24 BY MR. BLOCH:  
25 Q Mr. Heimbach, I'm showing you Exhibit No.

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1 M. HEIMBACH  
2 Q But were you, in fact, in the process of  
3 working on a video at the time you posted that?  
4 A I wasn't, no.  
5 Q Didn't you say in the post, I'm working  
6 on a big video?  
7 A Yes, but that would have been Jason  
8 Augustus who was working on the video.  
9 Q So when you said, I'm working on a big  
10 video, was that true?  
11 A Well, I was looking and overseeing a  
12 collection of news reports with footage available,  
13 and then working to try and provide that, see how we  
14 could gets things licensed and such.  
15 Q And Jason Augustus was tasked with that  
16 project?  
17 A Yes.  
18 Q And where is that video?  
19 A It never got made, I don't believe.  
20 Q Do you know if it ever got made?  
21 A It wasn't never posted. I don't believe  
22 it ever got made.  
23 Q Why didn't it get made?  
24 A Because we couldn't get licensing,  
25 primarily, for -- in terms of cost, from news

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1 M. HEIMBACH  
2 11.  
3 Do you see that?  
4 A Yes.  
5 Q And do you see that you posted, at the  
6 top, on Discord on August 20th?  
7 You see that, right?  
8 A Yes.  
9 Q And do you see that you wrote: Hey,  
10 crackers. I'm working on a big video, party-wide  
11 e-mail, et cetera. Just wanted to let everyone know  
12 that I'm alive, LOL. How is everyone tonight?  
13 Did you post that on Discord on August  
14 20th, 2017?  
15 A Yes.  
16 Q And what is the big video that you were  
17 referring to?  
18 A Well, it never got made, but we were  
19 planning on taking the various news reports and  
20 cutting it into a video.  
21 Q About Charlottesville?  
22 A Yeah.  
23 Q And don't you say in the post, I'm  
24 working on a big video?  
25 A Well, I never did any of the tech stuff.

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1 M. HEIMBACH  
2 agencies, and we moved on to other projects.  
3 Q Did Jason Augustus tell you that?  
4 A I can't recall an exact conversation.  
5 Q How did you become aware of that  
6 conversation?  
7 A Well, it was never -- well, I looked up  
8 what it would cost to license videos from journalists  
9 who were there and it was cost prohibitive. If we  
10 were to violate copyright, they would just pull it  
11 down anyway.  
12 Q You also say in that message, party-wide  
13 e-mail, right?  
14 A Uh-huh.  
15 Q What does that refer to?  
16 A I assume I sent an e-mail.  
17 Q And where did you send that e-mail?  
18 A That would have been through Matt Parrott  
19 and the infrastructure, back end of the party, which  
20 you guys should have a copy of.  
21 Q What e-mail address did you send that  
22 from?  
23 A Mr. Parrott, I would write things and  
24 then he would handle the distribution.  
25 Q When you say you would write things, what

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1 M. HEIMBACH  
2 device did you write those things on?  
3 A Gmail and Google Docs.  
4 Q So you wrote --  
5 A On my laptop.  
6 Q On your laptop. And you would write them  
7 in your --  
8 And when you say gmail, do you mean your  
9 matthew.w heimbach@gmail.com account?  
10 A Yes.  
11 Q And then you e-mailed that to  
12 Mr. Parrott?  
13 A Or, most likely, just shared him on the  
14 document.  
15 Q And when you say shared him, what do you  
16 mean?  
17 A When you hit the share button and you can  
18 choose other users who can view it. There's no point  
19 in e-mailing it when you can just share it.  
20 Q On Google Docs?  
21 A Yeah.  
22 Q When you share something on Google Docs,  
23 do you get an e-mail alert that the document has been  
24 shared?  
25 A Maybe, I guess.

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1 M. HEIMBACH  
2 Q And you wrote: Quote, I wrote the POWs  
3 today, did you, end quote.  
4 Correct?  
5 A Yes.  
6 Q And then there's a photograph of five  
7 envelopes; isn't that true?  
8 A That is accurate.  
9 Q And then, below the envelopes, you wrote:  
10 Quote, We all need to be sending letters, by the way.  
11 -- at 1 -- on January 19th, 2018, right?  
12 A Yup.  
13 Q Did you take that photograph?  
14 A I assume so, yeah.  
15 Q And on what device did you take that  
16 photograph?  
17 A The phone I had at the time.  
18 Q And what phone was that?  
19 A The phone that was subsequently thrown  
20 out by my now ex-wife.  
21 Q Okay. What kind of phone was that?  
22 A I can't recall. It was an Android.  
23 Q Did you list that phone on the  
24 certification that you filled out in this case on  
25 July 6th?

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1 M. HEIMBACH  
2 Q You do, right? You don't know?  
3 A Not off the top of my head.  
4 I can share on something real quick,  
5 though, and check.  
6 Q Maybe we'll do that on a break.  
7 When it was shared with Mr. Parrott, how  
8 would Mr. Parrott distribute it?  
9 A He ran our e-mails.  
10 Q And when you say our e-mails, what do you  
11 mean?  
12 A The Traditionalist Worker Party.  
13 Q And that is a domain address at  
14 tradworker.org; is that right?  
15 A Yeah, there was a ticket system that he  
16 designed, so that's how messages would be sent out,  
17 through the ticket system. So he would have handled  
18 all that distribution.  
19 (Heimbach Deposition Exhibit No. 12  
20 was marked for the record.)  
21 BY MR. BLOCH:  
22 Q Mr. Heimbach, I'm showing you Exhibit 12.  
23 Exhibit 12, is that a Discord post that you posted on  
24 January 19th, 2018?  
25 A Yes.

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1 M. HEIMBACH  
2 A I believe so.  
3 Q And -- and then after you took that  
4 photo, you uploaded it to Discord, right?  
5 A Sounds about right.  
6 Q Is that true?  
7 A Yes.  
8 Q And the envelopes are -- it's a  
9 photograph of five envelopes, correct?  
10 A Yes.  
11 Q And they are addressed to Jacob Goodwin,  
12 right?  
13 A Uh-huh.  
14 Q Dylann Storm Roof, right?  
15 A Yes.  
16 Q James Fields, right?  
17 A Yes.  
18 Q Alex Ramos?  
19 A Yup.  
20 Q And Daniel Borden; isn't that true?  
21 A Yeah.  
22 Q What does POW mean, Mr. Heimbach?  
23 A It means prisoner of war.  
24 Q Is that someone captured on the  
25 battlefield of war, in your view?

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1 M. HEIMBACH

2 A I mean, that can be a definition.

3 Q Is that the definition that you meant in  
4 this when you wrote POWs?

5 A What I meant more is a political system  
6 much like Irish Republicans were persecuted for  
7 advocating for the best interests of their community,  
8 their culture and the future of their nation, that  
9 men were being held by an imperialist regime.

10 Q It would be fair to say that you believe  
11 these people in the five envelopes are POWs that  
12 fought on your side of a war?

13 A Not necessarily my side of a war, but in  
14 terms of they are being held by an antiwhite  
15 government.

16 Q Would it be fair to say these are people  
17 that share the same objectives as you?

18 A No, not necessarily.

19 Q Well, what's the war you're referring to?

20 A The war that's being waged against the  
21 demographic, social, economic, political future of  
22 Europeans around the world.

23 Q And is it your view that Charlottesville  
24 was a battle in that war?

25 A It was only a battle because the police

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1 M. HEIMBACH

2 allowed us to be attacked by mobs of antifascists,  
3 stood down through either incompetence or corruption  
4 and violated our First Amendment rights to assemble.

5 So a battle by the other side. We were  
6 trying to exercise our First Amendment rights.

7 Q So is the answer to my question, yes, you  
8 would agree that Charlottesville was a battle?

9 A More like a protest that was  
10 deliberately, by the regime, allowed to go sideways,  
11 to incite violence against people like myself.

12 Q And what regime is that?

13 A The Federal government.

14 Q Why were you sending these five people  
15 letters?

16 A Doesn't Jesus say that it's kind of a  
17 thing to comfort the prisoner while they were in  
18 jail? Feed the hungry, clothe the naked?

19 Q So were you trying to comfort these  
20 prisoners.

21 A Fulfill my Christian duty.

22 Q So is my question to my question, yes,  
23 you were trying to comfort these prisoners?

24 A Yes.

25 Q And why did you choose those particular

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1 M. HEIMBACH

2 prisoners?

3 A Those are prisoners that are probably not  
4 getting a whole lot of letters.

5 Q Did you send any other prisoners letters  
6 that day?

7 A No, I don't believe so.

8 Q Who is Jacob Goodwin?

9 A A fellow from Arkansas who was arrested  
10 after Charlottesville.

11 Q And was he also convicted of maliciously  
12 wounding a black man named DeAndre Harris at the  
13 Unite the right event?

14 A I think falsely, but yes.

15 Q And who's Alex Ramos?

16 A Another gentleman in the same situation,  
17 still falsely convicted.

18 Q But you agree with me he was convicted of  
19 maliciously wounding a black man named DeAndre Harris  
20 at Unite the Right?

21 A Innocent people get convicted every day.

22 Q So is the answer to my question, yes, he  
23 was convicted?

24 A Yes.

25 Q And is it also your testimony that he --

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1 M. HEIMBACH

2 notwithstanding the fact that he was convicted, he  
3 is, in fact, innocent?

4 A Yes.

5 Q And who is Daniel Borden?

6 A Same story.

7 Q Was Daniel Borden convicted of  
8 maliciously wounding DeAndre Harris at Unite the  
9 Right?

10 A Falsely, yes.

11 Q And when you say falsely, is it your view  
12 that Daniel Borden is innocent of the charge for  
13 which he was convicted?

14 A Overwhelmingly, yes.

15 Q Overwhelmingly innocent?

16 A Yes.

17 Q Who is James Fields?

18 A James Fields was convicted of driving his  
19 car into a counter protesters on his way home.

20 Q Was he, in fact, convicted of murdering  
21 Heather Heyer at Unite the Right?

22 A Yes.

23 Q Do you think James Fields was innocent?

24 A Innocent of first degree capital murder,  
25 yes, and I do believe that the guilt of the entire

1 M. HEIMBACH  
2 situation rests with the Charlottesville Police  
3 Department, the state police, government officials.  
4 So, yeah, the charge he was convicted of,  
5 of capital murder, yes, I don't believe the evidence  
6 proves premeditated intent.  
7 Q Do you believe Mr. Fields was guilty of  
8 anything at Unite the Right?  
9 A I mean, I don't believe he got a fair  
10 trial, so it's hard to tell.  
11 Q So you don't know, sitting here today,  
12 whether you believe Mr. Fields was guilty of anything  
13 at the Unite the Right rally, right?  
14 A I believe if he was given a fair trial  
15 outside of Charlottesville, we would be allowed to  
16 objectively look at the evidence and obtain a  
17 legitimate verdict.  
18 Q Who is Dylann Roof?  
19 A He was a shooter who killed folks in a  
20 church in South Carolina.  
21 Q Did he, in fact, kill nine black people  
22 in a church --  
23 A Yeah, he did.  
24 Q -- in South Carolina?  
25 Was Dylann Roof innocent?

1 M. HEIMBACH  
2 you may have handwritten them?  
3 A I'm leaning towards handwriting, but it's  
4 hypothetically possible.  
5 Q What did your letter to James Fields say?  
6 A Essentially not to despair, I believe. I  
7 don't recall the specifics. But, you know, I assumed  
8 he was getting a lot of hate mail and he probably  
9 felt very alone and scared. So just trying to  
10 provide some, you know, Christian comfort.  
11 Q And to be clear, you were providing --  
12 withdrawn.  
13 You understood that Mr. Fields was  
14 imprisoned at the time for what he had done at  
15 Charlottesville, right?  
16 A Allegedly done, yes.  
17 Q Still alleged to you?  
18 A I don't believe he got a fair trial.  
19 Q What did your letter to Mr. Goodwin say?  
20 A I mean, essentially, all of them are  
21 going to say the same thing, to keep your spirits up,  
22 I believe. Just trying to be positive.  
23 Q How many letters did you write to  
24 Mr. Fields?  
25 A Just the one, I believe.

1 M. HEIMBACH  
2 A No.  
3 Q And you sent each of these five people  
4 letters, right?  
5 A Yes.  
6 For the record, I would like to state  
7 that, after Dylann Roof's shooting, at my own  
8 expense, I traveled to South Carolina to participate  
9 in a series of vigils in mourning for the loss of  
10 those who had their lives taken, and I do not endorse  
11 Mr. Roof's actions. However, I do believe it's a  
12 Christian responsibility to comfort prisoners.  
13 Q But only those five prisoners, right?  
14 A That day, yes.  
15 Q The letter that you sent to Mr. Fields,  
16 what device did you type that on?  
17 A I believe I handwrote it.  
18 Q Or -- are you sure you handwrote it?  
19 A No.  
20 Q You might have typed it?  
21 A Possibly. I don't recall.  
22 Q Did you type the other letters in Exhibit  
23 12?  
24 A I really don't know.  
25 Q So you're saying you may have typed them,

1 M. HEIMBACH  
2 Q And how many letters did you write to the  
3 others?  
4 A Mr. Roof, just one, because I hadn't  
5 gotten a response from either of those.  
6 I believe several to the others, and I  
7 had spoken on the phone with Mr. Borden several  
8 times.  
9 Q While Mr. Borden was in jail?  
10 A Yes.  
11 Q Did you make any copies of any of these  
12 letters that you wrote?  
13 A No.  
14 Q You also wrote on the Discord post, We  
15 all need to be sending letters, BTW, right?  
16 A Yes.  
17 Q BTW is by the way?  
18 A Yes.  
19 Q And would it be fair to say you were  
20 addressing that comment to your folks within  
21 Traditionalist Worker Party?  
22 A Yes.  
23 Q And why did you want other people to send  
24 these guys letters?  
25 A Because I think it's your Christian duty

<p style="text-align: right;">Page 102</p> <p>1 M. HEIMBACH</p> <p>2 to try and support prisoners.</p> <p>3 Q And to be clear, you believe it was your</p> <p>4 Christian duty to try to support these particular</p> <p>5 prisoners, right?</p> <p>6 A Yes.</p> <p>7 Q Did you receive any communications from</p> <p>8 Mr. Fields since Unite the Right?</p> <p>9 A No.</p> <p>10 Q Did you ever receive a letter from</p> <p>11 Mr. Fields?</p> <p>12 A No.</p> <p>13 Q Did you ever speak to him on the phone?</p> <p>14 A No.</p> <p>15 Q Did you ever receive any letters from</p> <p>16 Mr. Goodwin?</p> <p>17 A Yes.</p> <p>18 Q And that was in response to your letter?</p> <p>19 A Yes.</p> <p>20 Q And where is that letter?</p> <p>21 A In a dumpster somewhere.</p> <p>22 Q You threw it away?</p> <p>23 A No. My ex-wife did.</p> <p>24 Q Can you describe the circumstances by</p> <p>25 which your ex-wife threw away a letter you received</p>	<p style="text-align: right;">Page 103</p> <p>1 M. HEIMBACH</p> <p>2 from Jake Goodwin?</p> <p>3 A Yeah, she took an extended vacation to</p> <p>4 Texas with my two children and told the neighbors</p> <p>5 that they could toss everything in the house to make</p> <p>6 it ready for new tenants, at which where I lost my</p> <p>7 Social Security card, birth certificate, college</p> <p>8 transcripts. You know, basically all my stuff.</p> <p>9 Q Where was that letter that you received</p> <p>10 from Jacob Goodwin?</p> <p>11 A I believe it was in a box that had all my</p> <p>12 other personal effects.</p> <p>13 Q Was that the same box that you had your</p> <p>14 birth certificate and Social Security card?</p> <p>15 A Yes.</p> <p>16 Q Did you ever receive a letter from</p> <p>17 Mr. Ramos?</p> <p>18 A I can't recall on that one.</p> <p>19 (Heimbach Deposition Exhibit No. 13</p> <p>20 was marked for the record.)</p> <p>21 BY MR. BLOCH:</p> <p>22 Q Mr. Heimbach, I'm showing you Exhibit 13.</p> <p>23 Is that a copy of posts that people made</p> <p>24 on Discord, including yourself?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 104</p> <p>1 M. HEIMBACH</p> <p>2 Q And on February 4th, 2018, did you post</p> <p>3 on Discord: Quote, I just got responses from Borden</p> <p>4 and Ramos?</p> <p>5 A Yes.</p> <p>6 Q And is that because you had just gotten a</p> <p>7 response from Mr. Ramos?</p> <p>8 A I assume so. I can't recall the letter,</p> <p>9 but that would make sense.</p> <p>10 Q You believe based on that post you got a</p> <p>11 letter back from Mr. Ramos?</p> <p>12 A Yes.</p> <p>13 Q Where is that letter?</p> <p>14 A Same story.</p> <p>15 Q What's the story?</p> <p>16 A It was kept with all my other personal</p> <p>17 effects.</p> <p>18 Q Is it your testimony that you don't</p> <p>19 receive -- you don't recall receiving a letter from</p> <p>20 Mr. Ramos, but you do recall the circumstances in</p> <p>21 which it got destroyed?</p> <p>22 A Well, if it was -- if I received the</p> <p>23 letter -- which I'm assuming based on this post that</p> <p>24 I did -- I would have put it in the same place that I</p> <p>25 put all my other personal effects.</p>	<p style="text-align: right;">Page 105</p> <p>1 M. HEIMBACH</p> <p>2 Q Why would you put that letter in a box?</p> <p>3 A I mean, I I'm not just going to throw it</p> <p>4 out, right? Like, that's rude.</p> <p>5 Q So the reason why you put Mr. Goodwin's</p> <p>6 and Mr. Ramos and Mr. Borden's letter -- withdrawn.</p> <p>7 The reason you put Mr. Goodwin and</p> <p>8 Mr. Ramos's letters in a box because it would be rude</p> <p>9 to throw it out?</p> <p>10 A Well, and for the historical record.</p> <p>11 Q What -- what do you mean, the historical</p> <p>12 record?</p> <p>13 A When true history can be told of the</p> <p>14 events, I believe that those would have been</p> <p>15 important historical documents.</p> <p>16 Q Did you receive a response from</p> <p>17 Mr. Borden?</p> <p>18 A Yes.</p> <p>19 Q Where is that?</p> <p>20 A Same thing.</p> <p>21 Q You put that letter in a box that got</p> <p>22 thrown out by your neighbors?</p> <p>23 A More of a tub, but yes.</p> <p>24 Q Can you describe the tub?</p> <p>25 A Yeah, just one of the ones that's about</p>

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1 M. HEIMBACH  
2 this big (indicating), plastic, you get at Walmart.  
3 Q Did it have a top on it?  
4 A I didn't keep a top on it, but it came  
5 with a top.  
6 Q And what color was it?  
7 A Green or blue.  
8 Q So you put all of your personal effects,  
9 your Social Security card, your birth certificate,  
10 and all the documents that you believed were  
11 important for the true historical record in an  
12 open-top blue tub?  
13 A Yes.  
14 Q Did you ever receive a response from  
15 Mr. Roof?  
16 A No, I didn't.  
17 Q Did you ever talk to any of those five  
18 people on the phone?  
19 A Dan Borden.  
20 Q I'd like to talk about your e-mail  
21 address.  
22 You currently have an e-mail address  
23 that's matthew.w heimbach@gmail.com, right?  
24 A Yes.  
25 Q When did you set up that account?

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1 M. HEIMBACH  
2 A For a very brief period, yes.  
3 Q And those e-mails concerned, among other  
4 things, the Nationalist -- withdrawn.  
5 A Nationalist Front, is that what you're  
6 looking for?  
7 Q Well, part of what I'm looking for.  
8 Those e-mails that you sent on your NSM  
9 e-mail address concerned the Nationalist Front?  
10 A No, because the Nationalist Front no  
11 longer existed at the time.  
12 Q Did e-mails that you sent on the NSM  
13 e-mail account concern the NSM?  
14 A Yes.  
15 Q And what is NSM?  
16 A National Socialist Movement.  
17 Q And was that created of after Unite the  
18 Right?  
19 A Yes.  
20 Q Other than -- withdrawn.  
21 You believe Burt Colucci would know what  
22 that e-mail address was?  
23 A He set me up and he locked me out of it,  
24 so I assume so.  
25 Q And you had that in 2018?

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1 M. HEIMBACH  
2 A Back in college, I think, like 2013 or  
3 '14, maybe.  
4 Q And you still use that account, right?  
5 A Yes.  
6 Q And did you send or receive e-mails from  
7 that e-mail address that concerned the events at  
8 issue in this case?  
9 A Yes.  
10 Q Have you had any other e-mail accounts in  
11 the last four years?  
12 A I had an e-mail account that was set up  
13 by the National Socialist Movement when I joined that  
14 organization, which, when I had resigned my position  
15 in the group, I was locked out of.  
16 Q And what was the e-mail address for that  
17 account?  
18 A I can't recall, but I'm sure the  
19 Defendant NSM would be able to provide that.  
20 Q Who, personally, is the person that gave  
21 you that account?  
22 A Burt Colucci, who is currently the leader  
23 of the National Socialist Movement.  
24 Q And you used that account to send  
25 e-mails?

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1 M. HEIMBACH  
2 A Yes.  
3 Q Other than the gmail account and the NSM  
4 account, have you had any other e-mail accounts in  
5 the last four years?  
6 A I don't believe so.  
7 Hold that. For the internal ticket  
8 system, I believe an e-mail of some sort was set up  
9 by Mr. Parrott, but he would have all the information  
10 on that.  
11 Q An e-mail account for you?  
12 A Well, not so much an e-mail, as the way I  
13 understand it. More of just like -- in terms of the  
14 internal ticket system where you basically send  
15 e-mails, but I don't know. That would be a tech  
16 question for Mr. Parrott. But he would have set that  
17 up and had all the credentials.  
18 Q Did you send an e-mail over that ticket  
19 system?  
20 A Yes.  
21 Q That concerned the events at issue in  
22 this case?  
23 A Yes, I believe.  
24 Q And how did you log onto the ticket  
25 system?

<p style="text-align: right;">Page 110</p> <p>1 M. HEIMBACH</p> <p>2 A Mr. Parrott had set up the password and</p> <p>3 the account, and he had auto logged me in on my</p> <p>4 laptop.</p> <p>5 Q So you could log in from your laptop to</p> <p>6 the TradWorker ticket system, right?</p> <p>7 A Yes.</p> <p>8 Q And you could send e-mails from that</p> <p>9 e-mail system, right?</p> <p>10 A Yes.</p> <p>11 Q And what was -- did you have a domain</p> <p>12 address?</p> <p>13 A I can't recall, but I know Mr. Parrott</p> <p>14 has all the information, which I think he's provided.</p> <p>15 Q So other than the gmail account, the NSM</p> <p>16 e-mail account and the TradWorker ticket e-mail</p> <p>17 system to which you had access, were there any other</p> <p>18 e-mail accounts that you used to communicate about</p> <p>19 the events at issue in this case?</p> <p>20 A I don't believe so.</p> <p>21 Q Have you deleted any e-mails that you</p> <p>22 sent or received that concerned the events at issue</p> <p>23 in this case?</p> <p>24 A I don't believe so.</p> <p>25 Q Have you instructed anyone else to delete</p>	<p style="text-align: right;">Page 111</p> <p>1 M. HEIMBACH</p> <p>2 any e-mails you've sent or received concerning events</p> <p>3 at issue in this case?</p> <p>4 A I don't believe so.</p> <p>5 Q Are you familiar with the social media</p> <p>6 site called VK?</p> <p>7 A Yes.</p> <p>8 Q What's VK?</p> <p>9 A It's a Russian clone of Facebook.</p> <p>10 Q And users can send messages that are</p> <p>11 public, right?</p> <p>12 A Yes.</p> <p>13 Q And private?</p> <p>14 A Yes.</p> <p>15 Q And a user has friends on VK, right?</p> <p>16 A Yes.</p> <p>17 Q And friends are people that can see the</p> <p>18 messages that you post on your page, right?</p> <p>19 A Yes.</p> <p>20 Q And you were friends on VK with people</p> <p>21 who went to Unite the right in Charlottesville?</p> <p>22 A I can't recall.</p> <p>23 Q Were you friends on VK with some of the</p> <p>24 Defendants?</p> <p>25 A I can't recall.</p>
<p style="text-align: right;">Page 112</p> <p>1 M. HEIMBACH</p> <p>2 Q But you did have a VK account, right?</p> <p>3 A At one time, yes.</p> <p>4 Q And the -- your user name on VK was</p> <p>5 MatthewHeimbach, one word, right?</p> <p>6 A Sounds right.</p> <p>7 Q Well, is it right?</p> <p>8 A I'm assuming so, yes. Yes.</p> <p>9 Q And to sign up for VK, do you give a</p> <p>10 phone number?</p> <p>11 A Yes.</p> <p>12 Q And what phone number did you give?</p> <p>13 A I believe (301)525-1474.</p> <p>14 Q And do you give a phone number when you</p> <p>15 sign up so you can retrieve your user name or</p> <p>16 password when you lose it?</p> <p>17 A I believe so, yes.</p> <p>18 Q They can text it to you, right?</p> <p>19 A I believe so.</p> <p>20 Q And when did you create the VK account?</p> <p>21 A I can't recall.</p> <p>22 Q Approximately?</p> <p>23 A I don't know. It was very rarely used,</p> <p>24 so I don't recall.</p> <p>25 Q Can you give a year?</p>	<p style="text-align: right;">Page 113</p> <p>1 M. HEIMBACH</p> <p>2 A No.</p> <p>3 Q You don't know -- can you approximate a</p> <p>4 decade?</p> <p>5 A Within the last ten years.</p> <p>6 Q Okay. Was it prior to Unite the Right?</p> <p>7 A I think so.</p> <p>8 Q And approximately how long prior to Unite</p> <p>9 the Right did you create the VK account?</p> <p>10 A I don't recall.</p> <p>11 Q Well, to get into the VK account, you</p> <p>12 need a log in and a password, right?</p> <p>13 A Uh-huh.</p> <p>14 Q And you were the only person with access</p> <p>15 to those credentials, right?</p> <p>16 A Well, no. I had all my passwords written</p> <p>17 down on a piece of paper. So my wife, and my ex-wife</p> <p>18 would have had access.</p> <p>19 Q Okay. You're saying your wife or ex-wife</p> <p>20 would have had access if they had seen the piece of</p> <p>21 paper that you had written your password on, right?</p> <p>22 A Yes.</p> <p>23 Q Are you, as you sit here today, aware of</p> <p>24 them actually having seen your log-in and password?</p> <p>25 A Yeah, both of them have seen it. I just</p>

<p style="text-align: right;">Page 114</p> <p>1 M. HEIMBACH</p> <p>2 keep it next to my computer.</p> <p>3 Q Well, as far as you're aware, you're the</p> <p>4 only person that posted content on the VK account,</p> <p>5 right?</p> <p>6 A That would be accurate, I believe.</p> <p>7 Q And you posted content on your VK account</p> <p>8 about the events at issue in this case, right?</p> <p>9 A I can't recall.</p> <p>10 Q If I could direct you to Exhibit 7.</p> <p>11 Right? And on Exhibit 7, these are your</p> <p>12 interrogatory responses, right?</p> <p>13 A Yes.</p> <p>14 Q And the first -- on the first page,</p> <p>15 Paragraph 1, it says: Identify all means of</p> <p>16 communication used by you to communicate concerning</p> <p>17 the events.</p> <p>18 A Uh-huh.</p> <p>19 Q Right?</p> <p>20 And your answer that you affirmed under</p> <p>21 oath is true, included VK, MatthewHeimbach, right?</p> <p>22 A Yup.</p> <p>23 Q And what kind of content did you post</p> <p>24 about Unite the Right on your VK account?</p> <p>25 A I can't recall.</p>	<p style="text-align: right;">Page 115</p> <p>1 M. HEIMBACH</p> <p>2 Q You have no idea?</p> <p>3 A It was like two years ago.</p> <p>4 Q So is the answer to my question, no, you</p> <p>5 have no idea?</p> <p>6 A No.</p> <p>7 (Heimbach Deposition Exhibit No. 14</p> <p>8 was marked for the record.)</p> <p>9 BY MR. BLOCH:</p> <p>10 Q If I could show you Exhibit No. 14,</p> <p>11 Mr. Heimbach.</p> <p>12 Is this your VK account?</p> <p>13 A Yes.</p> <p>14 Q And is this a post that you made on</p> <p>15 February 16, 2019 to your VK account?</p> <p>16 A Yes.</p> <p>17 Q And in that post, do you say: Reverend</p> <p>18 James Hart Stern is now the president and director of</p> <p>19 the National Socialist Movement according to legal</p> <p>20 filings?</p> <p>21 A Yes.</p> <p>22 Q And what legal filings are you referring</p> <p>23 to?</p> <p>24 A Mr. Stern, I believe, had asserted that</p> <p>25 he had been given legal control of the board of</p>
<p style="text-align: right;">Page 116</p> <p>1 M. HEIMBACH</p> <p>2 directors of the National Socialist Movement.</p> <p>3 Q And those are legal filings that</p> <p>4 Mr. Stern made in this litigation, right?</p> <p>5 A Yes.</p> <p>6 Q And, in fact, he made those filings in</p> <p>7 this litigation the day before you posted that on VK,</p> <p>8 right?</p> <p>9 A I believe so, yes.</p> <p>10 Q How did you become aware of Mr. Stern's</p> <p>11 filing?</p> <p>12 A It was in the news. I mean, a black</p> <p>13 civil rights activist taking over the NSM is</p> <p>14 newsworthy.</p> <p>15 Q Now, you deleted your VK account since</p> <p>16 posting that message, right?</p> <p>17 A I did not delete my VK account, no.</p> <p>18 No, it's deleted, but I didn't delete it.</p> <p>19 Q Okay. Your VK account is deleted, right?</p> <p>20 A Yes.</p> <p>21 Q Your VK account became deleted since you</p> <p>22 posted that message in February 2019, right?</p> <p>23 A Yes.</p> <p>24 Q In fact, isn't it true that your VK, in</p> <p>25 your words, became deleted -- withdrawn.</p>	<p style="text-align: right;">Page 117</p> <p>1 M. HEIMBACH</p> <p>2 Isn't it true your VK account became</p> <p>3 deleted in April of this year?</p> <p>4 A I believe so.</p> <p>5 Q And how did your VK account become</p> <p>6 deleted?</p> <p>7 A My current wife and I had had an argument</p> <p>8 and she had deleted my social media account.</p> <p>9 Q And is your current wife Jessica</p> <p>10 Heimbach?</p> <p>11 A Heimbach, yes.</p> <p>12 Q And what was the argument about?</p> <p>13 A I don't know. Taking out the trash. I</p> <p>14 don't recall.</p> <p>15 Q Okay. And explain how it is that the</p> <p>16 argument went from taking out the trash to your wife</p> <p>17 deleting your VK account.</p> <p>18 A Oh, really simple. It's the same thing</p> <p>19 she did with my Gab account, like, six or nine months</p> <p>20 earlier.</p> <p>21 You know, I invested a lot of time and</p> <p>22 energy in social media and networking, and then, you</p> <p>23 know, why yell when you can really get back at your</p> <p>24 hubby. So yeah, that was a very frustrating day.</p> <p>25 Q Explain how it is that Ms. Heimbach, your</p>

<p style="text-align: right;">Page 118</p> <p>1 M. HEIMBACH</p> <p>2 wife, deleted your VK account.</p> <p>3 A I assume she just logged in and deleted</p> <p>4 it.</p> <p>5 Q Did you assume that or do you know that?</p> <p>6 A Well, I mean, she told me, so yeah.</p> <p>7 Q When did she tell you?</p> <p>8 A The day after.</p> <p>9 Q And did she tell you why she deleted your</p> <p>10 VK account?</p> <p>11 A Because she was mad at me.</p> <p>12 Q Now, Jessica Heimbach is the same Jessica</p> <p>13 Parrott who notarized your interrogatory responses,</p> <p>14 right?</p> <p>15 A Yes, but we were not in a relationship at</p> <p>16 that specific time.</p> <p>17 Q But Jessica Parrott is the same person --</p> <p>18 withdrawn.</p> <p>19 The person you claim deleted your VK</p> <p>20 account is the same person that notarized your</p> <p>21 interrogatory response, right?</p> <p>22 A Yes.</p> <p>23 Q And you agree with me that Ms. Parrott</p> <p>24 was aware that you were involved in litigation</p> <p>25 concerning this case, right?</p>	<p style="text-align: right;">Page 119</p> <p>1 M. HEIMBACH</p> <p>2 A In terms of any of the specifics or</p> <p>3 requirements, no.</p> <p>4 Q Well, the interrogatory response that she</p> <p>5 notarized for you included your representation that</p> <p>6 VK was an account that you used to communicate about</p> <p>7 Unite the Right; isn't that true?</p> <p>8 A I suppose.</p> <p>9 Q And did you ever tell Ms. Parrott that</p> <p>10 you had an obligation to preserve your social media</p> <p>11 accounts?</p> <p>12 A I don't believe so. I tried to not</p> <p>13 discuss these matters with, really, anyone.</p> <p>14 Q Do you mean other than asking her to</p> <p>15 notarize a document that you served in this case?</p> <p>16 A A year before.</p> <p>17 Q What did you do when you learned the day</p> <p>18 after that Ms. Heimbach, your current wife, deleted</p> <p>19 your VK account?</p> <p>20 A We had an argument about it.</p> <p>21 Q Did you tell anybody that that happened?</p> <p>22 A I don't recall.</p> <p>23 Q You don't recall doing so; is that your</p> <p>24 testimony?</p> <p>25 A Yeah.</p>
<p style="text-align: right;">Page 120</p> <p>1 M. HEIMBACH</p> <p>2 Q Did you notify Mr. Kolenich that your</p> <p>3 wife had deleted documents that you were required to</p> <p>4 preserve in this litigation?</p> <p>5 A I don't believe he was my attorney at the</p> <p>6 time.</p> <p>7 Q So is the answer to my question, no?</p> <p>8 A I don't think I did.</p> <p>9 Q Did you notify Plaintiffs that your</p> <p>10 current wife had deleted documents that you were</p> <p>11 required to preserve in this litigation?</p> <p>12 A I didn't know I had to.</p> <p>13 Q Just listen to my question, Mr. Heimbach.</p> <p>14 A Yes. And the answer would be no.</p> <p>15 Q Did you notify the court that your wife</p> <p>16 had deleted documents that you are required to</p> <p>17 preserve in this litigation?</p> <p>18 A No, because I didn't know that I was</p> <p>19 supposed to. I'm not a lawyer.</p> <p>20 Q Did you do anything other than speak to</p> <p>21 your wife about the fact that your wife had deleted</p> <p>22 documents that you were required to preserve for this</p> <p>23 litigation?</p> <p>24 A No, because I believed in the discovery</p> <p>25 process that the third-party vendor might be able to</p>	<p style="text-align: right;">Page 121</p> <p>1 M. HEIMBACH</p> <p>2 recover it.</p> <p>3 Q Well, by that point, you had not</p> <p>4 submitted your credentials to the third-party vendor,</p> <p>5 right?</p> <p>6 A Yes.</p> <p>7 Q Did you make any efforts to recover any</p> <p>8 content from your VK account after your current wife</p> <p>9 deleted it?</p> <p>10 A No.</p> <p>11 Q Prior to your wife's deleting your VK</p> <p>12 account, did you make any effort to preserve any of</p> <p>13 the content from your VK account?</p> <p>14 A Well, I mean, I hadn't deleted it, so all</p> <p>15 the -- I mean, all the posts were public, and I</p> <p>16 hadn't deleted the account, so the private messages</p> <p>17 would have existed.</p> <p>18 Q The private messages would have existed?</p> <p>19 A I believe so.</p> <p>20 Q So my question is: Prior to your wife</p> <p>21 having deleted your account, did you take any steps</p> <p>22 to preserve the content of your VK account?</p> <p>23 A No. I don't know how I would have done</p> <p>24 that.</p> <p>25 Q Did you take any screen shots of anything</p>

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1 M. HEIMBACH

2 you posted concerning Unite the Right on your VK  
3 account?

4 A No, but journalists and antifascists  
5 have, which they've been publicly posted.

6 Q Did you -- to be clear, you have not seen  
7 publicly posted anywhere the entire contents of your  
8 VK account, right?

9 A No.

10 Q And to be clear, you have not seen,  
11 anywhere, the content of private messages you sent  
12 over VK anywhere, correct?

13 A No.

14 Q Did you take any steps to have the  
15 contents of your VK account forensically imaged prior  
16 to the time that your wife deleted it in 2019?

17 A No.

18 Q And you have made no efforts, ever, to  
19 recover the contents from your VK account; isn't that  
20 true?

21 A Yeah, I guess.

22 Q And how is it that your wife had access  
23 to your VK account?

24 A I just keep a list of all my passwords  
25 near my computer.

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1 M. HEIMBACH

2 Q Is that -- I see.

3 And so is it your testimony that you had  
4 a list of passwords near your computer sometime in  
5 2019?

6 A Yes.

7 Q And that included the password to your VK  
8 account, right?

9 A I believe so, yeah.

10 Q Did it include passwords to your Facebook  
11 account?

12 A Yeah.

13 Q Did it include a passwords to your Gab  
14 account?

15 A No.

16 Q What accounts were there passwords that  
17 you had listed on a list -- withdrawn.

18 The list that you say was on your  
19 computer in 2019 that contained passwords and  
20 credentials to social media accounts --

21 A Yes.

22 Q -- what accounts were there credentials  
23 to?

24 A Gmail, Facebook, VK, Steam, the gaming  
25 platform. That's all I can recall off the top of my

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1 M. HEIMBACH

2 head.

3 MR. BLOCH: One moment.

4 THE WITNESS: No problem.

5 MR. BLOCH: I think we have a tape  
6 change in three minutes.

7 THE VIDEOGRAPHER: This marks the  
8 end of Media Number One in the deposition  
9 of Matthew Heimbach. The time is  
10 10:22 a.m.

11 (Brief pause.)

12 THE VIDEOGRAPHER: This begins  
13 Video Two in the deposition of Matthew  
14 Heimbach. Time is 10:30 a.m.

15 BY MR. BLOCH:

16 Q Mr. Heimbach, we were talking when we  
17 broke about a sheet of paper that had your log-in  
18 information that was next to your computer in 2019,  
19 right?

20 A Yeah.

21 Q And that sheet of paper that had the  
22 log-in information that was next to your computer in  
23 2019 included credentials to your Facebook account,  
24 right?

25 A Yeah.

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1 M. HEIMBACH

2 Q Twitter account?

3 A Yes.

4 Q And did you say it did not include your  
5 Gab account, credentials to your Gab account?

6 A I don't believe so.

7 Q Isn't it true, Mr. Heimbach, that you  
8 represented to Plaintiffs and to the Court that that  
9 sheet of paper that had your log-in information to  
10 Facebook and Twitter accounts was in that box that  
11 was destroyed in March of 2018?

12 A Different sheets. I don't keep the same  
13 passwords forever, especially for dead accounts.  
14 Like when you asked about Discord or, you know,  
15 Facebook, which were deleted, there's no reason to  
16 maintain those.

17 And it would have to be a really big  
18 sheet of paper to keep all the passwords I've ever  
19 had.

20 Q But isn't it true that you represented to  
21 the Court and Plaintiffs that the sheet of paper that  
22 had your log-in information to your Facebook and  
23 Twitter accounts, in particular, was in that box that  
24 was thrown away in March of 2018?

25 A To the Facebook accounts in question

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1 M. HEIMBACH  
2 involved to Unite the Right, yes.  
3 Q So is the answer to my question, yes?  
4 A We're talking about two different things  
5 here.  
6 Q Listen to my question.  
7 A Right.  
8 Q Isn't it true that you represented to  
9 Plaintiffs and the Court that there was a sheet of  
10 paper that had your log-in information to your  
11 Facebook and Twitter accounts that was in the box or  
12 tub that was thrown away?  
13 A We're talking about two different sheets.  
14 Different sets of accounts. I probably had -- I  
15 don't know -- three Facebooks that Facebook has shut  
16 down.  
17 (Heimbach Deposition Exhibit No. 15  
18 was marked for the record.)  
19 BY MR. BLOCH:  
20 Q I'm showing you Exhibit 15.  
21 Is that an e-mail that you sent to me on  
22 June 10th of this year?  
23 A Yes. And again, we're talking about two  
24 separate sheets.  
25 Q That's the only question.

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1 M. HEIMBACH  
2 a representation as to why you were not able to  
3 access your Facebook and Twitter accounts?  
4 A Yes. I'm not sure if I'm being clear,  
5 but we're talking about different time periods.  
6 I'm poor, but I'm not too poor to not  
7 have two pieces of paper to my name.  
8 Q Did you -- what's the second Facebook  
9 account you created?  
10 A That would have been after Unite the  
11 Right. I think it was a similar log-in name with the  
12 e-mail.  
13 Q And did you post content about National  
14 Socialist Movement on that Facebook account?  
15 A I can't recall.  
16 Q What did you post on that Facebook  
17 account?  
18 A I can't recall.  
19 Q Did you post anything related to white  
20 nationalism on that Facebook account?  
21 A I can't recall.  
22 Q Is it possible that you posted anything  
23 concerning the Unite the Right rally on that Facebook  
24 account?  
25 A I can't recall.

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1 M. HEIMBACH  
2 A Okay.  
3 Q And did you also send that e-mail to the  
4 Court?  
5 A Yes.  
6 Q And does that e-mail state -- and you  
7 wrote this e-mail, right?  
8 A Uh-huh.  
9 Q And does it state, with respect to the  
10 box that was thrown away by your --  
11 A Ex-wife.  
12 Q -- ex-wife: Quote, This would include a  
13 sheet of paper that had my log-in information to my  
14 Facebook and Twitter accounts in question.  
15 Did you write that?  
16 A Yes, because the one in relation to the  
17 accounts in question was thrown away.  
18 Q And is it your testimony that you created  
19 a new Facebook account?  
20 A After the one in question had been  
21 deleted, yes, but it also was shut down by Facebook.  
22 Q And did you create a second Twitter  
23 account?  
24 A Yes.  
25 Q And didn't you send this to the Court as

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1 M. HEIMBACH  
2 Q Is it possible you posted anything  
3 concerning Traditionalist Worker Party on that  
4 account?  
5 A I can't recall.  
6 Q Is it possible you posted anything  
7 concerning National Socialist Movement on that  
8 Facebook account?  
9 A I can't recall.  
10 Q Can you recall a single post that you  
11 made on that second Facebook account after the tub  
12 was thrown away?  
13 A No.  
14 Q When did -- was that account open?  
15 A I can't recall. But after the first one  
16 was deleted.  
17 Q Okay. So agree with me that sometime in  
18 the last year?  
19 A No. 2017. I mean, there was the fire  
20 storm that came down after Charlottesville, where  
21 basically everyone got banned from everything. So  
22 any things would have been post-Charlottesville, not  
23 necessarily the last year. I don't know.  
24 Q So you had two Facebook accounts prior to  
25 March of 2018?

<p style="text-align: right;">Page 130</p> <p>1 M. HEIMBACH</p> <p>2 A Like, ever?</p> <p>3 Q Yeah.</p> <p>4 A Two active accounts, no.</p> <p>5 Q What does that mean?</p> <p>6 A Because Facebook deleted the account, the</p> <p>7 primary account that I'd had since I was in high</p> <p>8 school.</p> <p>9 Q What's the second account?</p> <p>10 A It was under the same name with the same</p> <p>11 e-mail, so when I requested from Facebook to provide</p> <p>12 all information to Plaintiffs, that would have been</p> <p>13 covered.</p> <p>14 Q I'm sorry. Say that again?</p> <p>15 A Well, when I requested from Facebook to</p> <p>16 provide you guys with all of the information in</p> <p>17 relation to accounts that were tied to the same gmail</p> <p>18 account that we've said a thousand times, that should</p> <p>19 have been --</p> <p>20 Q All the Facebook accounts that you had</p> <p>21 were tied to the same e-mail account?</p> <p>22 A I believe so, yeah.</p> <p>23 Q How many Facebook accounts did you have?</p> <p>24 A I think two.</p> <p>25 Q And it's your testimony that it's</p>	<p style="text-align: right;">Page 131</p> <p>1 M. HEIMBACH</p> <p>2 possible that both accounts could -- withdrawn.</p> <p>3 It's possible that both accounts included</p> <p>4 information concerning the events at issue in this</p> <p>5 case, right?</p> <p>6 A No, not necessarily.</p> <p>7 Q Is it possible that both accounts</p> <p>8 included information concerning the events at issue</p> <p>9 in this case?</p> <p>10 A I can't recall, so I can't be certain.</p> <p>11 Q So the answer to my question is, yes,</p> <p>12 it's possible?</p> <p>13 A No, because I feel like that's a yes, and</p> <p>14 I really can't recall.</p> <p>15 Q You're familiar with the social media</p> <p>16 platform Gab?</p> <p>17 A Yeah.</p> <p>18 Q And users on Gab can send messages that</p> <p>19 are public, right?</p> <p>20 A Yes.</p> <p>21 Q And messages that are private?</p> <p>22 A Yes.</p> <p>23 Q You had a Gab account?</p> <p>24 A Yes.</p> <p>25 Q When did you create your Gab account?</p>
<p style="text-align: right;">Page 132</p> <p>1 M. HEIMBACH</p> <p>2 A I can't recall.</p> <p>3 Q It was prior to Unite the Right, correct?</p> <p>4 A I don't recall.</p> <p>5 Q Well, your user name on Gab was</p> <p>6 @MatthewWHeimbach, right?</p> <p>7 A I can't recall.</p> <p>8 Q Could you look at Exhibit 7.</p> <p>9 A Seven.</p> <p>10 Q You agree, Mr. Heimbach, that on your</p> <p>11 sworn interrogatory responses you stated that you had</p> <p>12 an account on Gab that you used to communicate about</p> <p>13 the events at issue in this case?</p> <p>14 A Yes.</p> <p>15 Q And that the user name was</p> <p>16 MatthewWHeimbach, right?</p> <p>17 A Yup.</p> <p>18 Q When you create a Gabin account --</p> <p>19 withdrawn.</p> <p>20 When you create a Gab account, do you</p> <p>21 associate it with an e-mail address?</p> <p>22 A Yes.</p> <p>23 Q And that's to be able to retrieve your</p> <p>24 user name and password if you lose it?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 133</p> <p>1 M. HEIMBACH</p> <p>2 Q And what e-mail address did you use?</p> <p>3 A Matthew.w heimbach@gmail.com.</p> <p>4 Q And you had your own log-in and password</p> <p>5 to your Gab account?</p> <p>6 A Yes.</p> <p>7 Q Other than @Matthew.W.Heimbach, did you</p> <p>8 have any other Gab accounts?</p> <p>9 A I don't believe so.</p> <p>10 Q You've only ever had one Gab account in</p> <p>11 your life?</p> <p>12 A I think that was my user name. I don't</p> <p>13 know. I might have had two. I don't recall.</p> <p>14 Q What sort of content did you post on Gab</p> <p>15 about Unite the Right?</p> <p>16 A I don't recall.</p> <p>17 Q Could it have included planning about</p> <p>18 Unite the Right?</p> <p>19 A I don't recall.</p> <p>20 Q Is it possible you posted content on your</p> <p>21 Gab account concerning how people should behave at</p> <p>22 Unite the Right?</p> <p>23 A I don't recall.</p> <p>24 Q Did you send private messages on Gab?</p> <p>25 A I don't recall.</p>

<p style="text-align: right;">Page 134</p> <p>1 M. HEIMBACH</p> <p>2 Q Were you in any groups on Gab?</p> <p>3 A I don't recall.</p> <p>4 Q Was there a group devoted to</p> <p>5 Charlottesville?</p> <p>6 A On Discord -- I don't know about Gab.</p> <p>7 Q In 2017, you agree with me that you had</p> <p>8 hundreds of followers on Gab?</p> <p>9 A I don't recall.</p> <p>10 Q Do you recall -- do you recall anything</p> <p>11 about your Gab account?</p> <p>12 A Not a whole lot.</p> <p>13 (Heimbach Deposition Exhibit No. 16</p> <p>14 was marked for the record.)</p> <p>15 BY MR. BLOCH:</p> <p>16 Q Mr. Heimbach, I'm showing you Exhibit No.</p> <p>17 16.</p> <p>18 Is this a screen shot of your Gab</p> <p>19 account?</p> <p>20 A Yup.</p> <p>21 Q And where was that photo taken?</p> <p>22 A Charlottesville.</p> <p>23 Q At the Unite the Right rally?</p> <p>24 A Yes.</p> <p>25 Q And you agree that you had 409 followers</p>	<p style="text-align: right;">Page 135</p> <p>1 M. HEIMBACH</p> <p>2 at that time?</p> <p>3 A Yes.</p> <p>4 Q Who took that photo?</p> <p>5 A I don't know.</p> <p>6 Q How did you get it to your Gab account?</p> <p>7 A I don't recall.</p> <p>8 Q Did you upload it?</p> <p>9 A Yes.</p> <p>10 Q From where?</p> <p>11 A I don't recall.</p> <p>12 (Heimbach Deposition Exhibit No. 17</p> <p>13 was marked for the record.)</p> <p>14 BY MR. BLOCH:</p> <p>15 Q And I'm showing you Exhibit 17.</p> <p>16 Is this a screen shot of something you</p> <p>17 posted on Gab?</p> <p>18 A It looks like.</p> <p>19 Q Is it?</p> <p>20 A Yes.</p> <p>21 Q And you posted on Gab: Quote,</p> <p>22 Christopher Cantwell being denied bail over his</p> <p>23 political beliefs -- withdrawn.</p> <p>24 Christopher Cantwell being denied bail</p> <p>25 over his political beliefs is proof that we live in</p>
<p style="text-align: right;">Page 136</p> <p>1 M. HEIMBACH</p> <p>2 Weimerica. Please support Chris and all the men</p> <p>3 behind the wire.</p> <p>4 And then you wrote: You can write Chris</p> <p>5 at Christopher Cantwell, Number 631424, 160 Peregory</p> <p>6 Lane, Charlottesville, Virginia 22902.</p> <p>7 And then you posted a link on YouTube.</p> <p>8 Correct?</p> <p>9 A Yes.</p> <p>10 Q You posted that?</p> <p>11 A Yes.</p> <p>12 Q Did you write Chris Cantwell letters</p> <p>13 while he was in jail?</p> <p>14 A I can't recall.</p> <p>15 Q It's possible?</p> <p>16 A Possible.</p> <p>17 Q Where are those letters?</p> <p>18 A I don't know.</p> <p>19 Q Is your Gab account still active,</p> <p>20 Mr. Heimbach?</p> <p>21 A No.</p> <p>22 Q What happened to it?</p> <p>23 A Oddly enough -- and it's not the best --</p> <p>24 but a similar argument situation broke out and my Gab</p> <p>25 account was deleted, which I did, however, e-mail Gab</p>	<p style="text-align: right;">Page 137</p> <p>1 M. HEIMBACH</p> <p>2 and I contacted Defendant Parrott to directly contact</p> <p>3 Andrew Torba, the head of Gab, to try and recover the</p> <p>4 information.</p> <p>5 Q So can you tell us how your Gab account</p> <p>6 was deleted?</p> <p>7 A Yes, I mean, my now wife was, again, mad</p> <p>8 at me over a silly argument and she knew that I</p> <p>9 invested a lot of time in Gab, and she had deleted</p> <p>10 it.</p> <p>11 Q When you say you invested a lot of time</p> <p>12 in Gab, what do you mean?</p> <p>13 A I spent a lot of time posting.</p> <p>14 Q And despite the fact that you invested a</p> <p>15 lot of time in Gab, you can't recall a single post</p> <p>16 you ever posted on Gab?</p> <p>17 A Besides the ones you're showing me.</p> <p>18 Q And when did this argument happen with</p> <p>19 your wife?</p> <p>20 A I don't recall.</p> <p>21 Q And when you say your wife, who are you</p> <p>22 referring to?</p> <p>23 A Jessica.</p> <p>24 Q Well, approximately, when was your Gab</p> <p>25 account deleted?</p>

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1 M. HEIMBACH  
2 A Last -- I don't recall. You guys would  
3 probably know better than me.  
4 Q Last what?  
5 A I don't recall.  
6 Q Was it in 2018?  
7 A Potentially.  
8 Q Well, when did -- it was after Jessica  
9 Parrott became your wife, right?  
10 A No.  
11 Q Well, didn't you say your wife deleted  
12 your account?  
13 A Well, she's my wife now.  
14 Q Was it after you had separated from  
15 Brooke Heimbach?  
16 A Yes.  
17 Q And were you living with Jessica Parrott  
18 at the time?  
19 A At that time, yes.  
20 Q And so when did you move in with Jessica  
21 Parrott?  
22 A I don't recall.  
23 Q You don't recall when you moved in with  
24 your wife?  
25 A No.

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1 M. HEIMBACH  
2 A I don't recall.  
3 Q Well, what was the argument that led to  
4 it?  
5 A I don't recall.  
6 Q How do you recall -- do you recall  
7 anything about this incident where your wife, you  
8 say, deleted your Gab account?  
9 A No.  
10 Q Are you even sure that that's how your  
11 Gab account got deleted?  
12 A I'm pretty sure.  
13 Q But not totally sure?  
14 A Pretty sure.  
15 Q Can you say with certainty that Jessica  
16 Parrott deleted your Gab account?  
17 A Not with a hundred percent.  
18 Q So it's fair to say you're not entirely  
19 sure how your Gab account got deleted, right?  
20 A Yes.  
21 Q And yet, you claim to have some  
22 recollection of an argument that led to Ms. Parrott  
23 deleting your Gab account?  
24 A I believe so, yeah.  
25 Q But you're not sure?

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1 M. HEIMBACH  
2 Q You agree with me that it happened in the  
3 last year, right?  
4 A Not necessarily.  
5 Q Well, you were arrested for domestic  
6 violence against Brooke Heimbach in March of 2018,  
7 right?  
8 A Right.  
9 Q And were you living with Jessica Parrott  
10 at the time?  
11 A No.  
12 Q So you moved in with Jessica Parrott  
13 sometime after March of 2018, right?  
14 A Right, which wouldn't -- it'd just be a  
15 year.  
16 Q Okay. But it's your testimony that,  
17 despite the fact that you moved in with your current  
18 wife sometime in the last year and about six months,  
19 you don't remember when that was?  
20 A No. But I do remember her birthday, so I  
21 get points for that.  
22 Q So is the answer to my question, no?  
23 A No.  
24 Q And so how long after you moved in with  
25 Jessica Parrott did she delete your Gab account?

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1 M. HEIMBACH  
2 A It was a long time ago. Do you remember  
3 every argument you've ever had with a spouse or when  
4 you guys moved in together?  
5 Q Did Jessica Parrott have access -- well,  
6 withdrawn.  
7 How did Jessica Parrott have access to  
8 your Gab credentials?  
9 A Well, I was auto logged in, so, I mean, I  
10 guess hypothetically, we had had numerous house  
11 guests as well, so I mean --  
12 Q I'm not asking for hypotheticals,  
13 Mr. Heimbach.  
14 A You've asked a lot of hypotheticals.  
15 Q Did Ms. Parrott have access to your Gab  
16 credentials?  
17 A Anyone who entered my home would have had  
18 access, yeah, because it was logged in.  
19 Q I see. So you just left your computer  
20 open with your social media accounts open to anybody  
21 who happened to come in your house; is that your  
22 testimony?  
23 A I lived in a holler.  
24 Q I'm sorry?  
25 A I lived in a holler. Not a whole lot of

<p style="text-align: right;">Page 142</p> <p>1 M. HEIMBACH</p> <p>2 people coming up there.</p> <p>3 Q So the answer to my question is, yes, you</p> <p>4 left your computer open and with the --</p> <p>5 A Yes.</p> <p>6 Q -- social media account open to anybody</p> <p>7 who wanted to come use it?</p> <p>8 A Yes.</p> <p>9 Q And your testimony is that Jessica</p> <p>10 Parrott, in response to some argument, decided to</p> <p>11 delete your Gab account, right?</p> <p>12 A I believe so.</p> <p>13 Q But you don't know?</p> <p>14 A Love's a messy thing.</p> <p>15 Q At any time -- what did you do when you</p> <p>16 learned that your Gab account -- well, do you recall</p> <p>17 learning that your Gab account was deleted?</p> <p>18 A Yeah, when I tried to go to it.</p> <p>19 Q And when was that?</p> <p>20 A After it was deleted.</p> <p>21 Q And when was that?</p> <p>22 A I don't recall.</p> <p>23 Q And when you learned it was deleted, what</p> <p>24 did you do?</p> <p>25 A Contacted Defendant Parrott to see if he</p>	<p style="text-align: right;">Page 143</p> <p>1 M. HEIMBACH</p> <p>2 could get Andrew Torba to restore the account and</p> <p>3 retrieve the data.</p> <p>4 Q And how did you contact Mr. Parrott?</p> <p>5 A I don't recall.</p> <p>6 Q Did you ever contact -- well, was</p> <p>7 Mr. Parrott or Mr. Torba able to restore your Gab</p> <p>8 account?</p> <p>9 A Mr. Torba was not.</p> <p>10 Q Did you speak to him?</p> <p>11 A No.</p> <p>12 Q So how do you know he was not able to?</p> <p>13 A I believed Mr. Parrott.</p> <p>14 Q I see. So you spoke to Mr. Torba through</p> <p>15 Mr. Parrott?</p> <p>16 A Well -- yes.</p> <p>17 Q Why didn't you contact Mr. Torba directly</p> <p>18 or write to Gab and ask them to restore your account?</p> <p>19 A I believe I might have sent an e-mail, in</p> <p>20 which point then I contacted Defendant Parrott to go</p> <p>21 in the back end. And, you know, Mr. Torba is a</p> <p>22 fellow nerd and tech guy.</p> <p>23 Q When did you contact Mr. Parrott about</p> <p>24 this?</p> <p>25 A I don't recall exactly.</p>
<p style="text-align: right;">Page 144</p> <p>1 M. HEIMBACH</p> <p>2 Q Was it in 2018?</p> <p>3 A Yes.</p> <p>4 Q Was it mid 2018?</p> <p>5 A I don't recall.</p> <p>6 Q Who is Andrew Torba?</p> <p>7 A The CEO of Gab.</p> <p>8 Q Do you know him personally?</p> <p>9 A No.</p> <p>10 Q Does Mr. Parrott?</p> <p>11 A To some extended degree, I believe.</p> <p>12 Q But you were in communication with</p> <p>13 Mr. Parrott in 2018?</p> <p>14 A Yes.</p> <p>15 Q Did you ever report to the Court that</p> <p>16 your Gab account had been deleted?</p> <p>17 A I didn't know I had to.</p> <p>18 Q Did you ever report to the Court that</p> <p>19 your Gab account had been deleted?</p> <p>20 A No, because I didn't know I had to.</p> <p>21 Q Did you ever report to Plaintiffs that</p> <p>22 your Gab account had been deleted?</p> <p>23 A No, because I didn't know I had to.</p> <p>24 Q Did you report to anybody, other than</p> <p>25 Mr. Parrot, that your Gab account had been deleted?</p>	<p style="text-align: right;">Page 145</p> <p>1 M. HEIMBACH</p> <p>2 A I mean, the CEO of the company in</p> <p>3 question, you know.</p> <p>4 Q You spoke personally with Mr. Torba?</p> <p>5 A Well, no, I'm saying I relayed a message</p> <p>6 through Mr. Parrott. So --</p> <p>7 Q Okay. So my question is: Did you ever</p> <p>8 speak to anybody other than Mr. Parrott about the</p> <p>9 fact that your Gab account had been deleted?</p> <p>10 A I don't believe so.</p> <p>11 Q Prior to your Gab account being deleted,</p> <p>12 did you ever take any screen shots of the content</p> <p>13 that concerned Unite the Right?</p> <p>14 A I didn't know I had to.</p> <p>15 Q Did you ever take screen shots of the</p> <p>16 content that concerned Unite the Right?</p> <p>17 A No, because I didn't know I had to.</p> <p>18 Q You didn't know in 2018 that you had an</p> <p>19 obligation to preserve the content of the documents</p> <p>20 that you created that concerned Charlottesville; is</p> <p>21 that your testimony?</p> <p>22 A Well, no, but I'm saying I didn't know I</p> <p>23 had to take screen shots of all my posts. That seems</p> <p>24 like an arduous burden.</p> <p>25 Q Did you take any step at all to preserve</p>

<p style="text-align: right;">Page 146</p> <p>1 M. HEIMBACH</p> <p>2 the content of your Gab account before it was</p> <p>3 deleted?</p> <p>4 A Not that I can think of. I don't know</p> <p>5 what form that would exactly take.</p> <p>6 Q Do you -- withdrawn. Did you</p> <p>7 understand -- withdrawn.</p> <p>8 Is it your testimony that you did not</p> <p>9 understand, in 2018, that you had an obligation to</p> <p>10 preserve the content of your documents concerning</p> <p>11 Charlottesville?</p> <p>12 A I had not fully evaluated the -- if you</p> <p>13 guys have it off the top of your head, what the</p> <p>14 number was.</p> <p>15 Q Do you mean the requests for production?</p> <p>16 A Indeed.</p> <p>17 Q And nobody told you prior to -- nobody</p> <p>18 told you at any time -- withdrawn.</p> <p>19 Did anybody tell you at any time that you</p> <p>20 had an obligation to preserve your documents?</p> <p>21 A I don't recall.</p> <p>22 Q You don't recall anybody ever telling you</p> <p>23 that you had an obligation to preserve documents in</p> <p>24 this case?</p> <p>25 A I don't recall.</p>	<p style="text-align: right;">Page 147</p> <p>1 M. HEIMBACH</p> <p>2 Q Did Mr. Kolenich ever tell you that you</p> <p>3 had to preserve documents?</p> <p>4 A I don't recall all of our conversations,</p> <p>5 no.</p> <p>6 Q Mr. Heimbach, when you say -- well,</p> <p>7 you -- you claim that you reached out to Mr. Torba</p> <p>8 through Mr. Parrott in 2018, right?</p> <p>9 A I believe so, yes.</p> <p>10 Q And was it your understanding, in 2018,</p> <p>11 that Mr. Torba was not able to recover the content of</p> <p>12 your Gab account?</p> <p>13 A That was my understanding.</p> <p>14 Q And you learned that sometime in 2018,</p> <p>15 right?</p> <p>16 A Yes.</p> <p>17 Q On July 7th, 2019, did you send me an</p> <p>18 e-mail with a screen shot of a request to Gab?</p> <p>19 A I believe so.</p> <p>20 Q And that was a request that you made to</p> <p>21 Gab sometime in the last two months, right?</p> <p>22 A Yes.</p> <p>23 Q And you sent Plaintiffs a screen shot of</p> <p>24 that request to Gab to show your efforts to recover</p> <p>25 your Gab account, right?</p>
<p style="text-align: right;">Page 148</p> <p>1 M. HEIMBACH</p> <p>2 A Yeah.</p> <p>3 Q And isn't it true that at the time sent</p> <p>4 that screen shot to Gab, you already knew that Gab</p> <p>5 was not able to recover the content of your account?</p> <p>6 A It's a constantly changing company. I</p> <p>7 thought it was worth another shot to be as</p> <p>8 cooperating as possible with the process.</p> <p>9 Q So when you sent the e-mail to Gab</p> <p>10 recently, you had already learned from the CEO of the</p> <p>11 company that your account was not recoverable, right?</p> <p>12 A I attempted to do it directly to show a</p> <p>13 good faith effort.</p> <p>14 Q I need you to answer my question.</p> <p>15 When you sent the e-mail to Gab in the</p> <p>16 last couple months to purportedly attempt to recover</p> <p>17 the content of your account, you had already heard</p> <p>18 from the CEO of the company that the content was not</p> <p>19 recoverable, right?</p> <p>20 A Well, I'm essentially a tech Luddite, so</p> <p>21 I thought I would give it another shot. I didn't</p> <p>22 know, maybe things had changed.</p> <p>23 Q I need a yes or no to that question.</p> <p>24 Did you understand from Mr. Torba that</p> <p>25 the content from your Gab account was not recoverable</p>	<p style="text-align: right;">Page 149</p> <p>1 M. HEIMBACH</p> <p>2 at the time you recently sent Gab another e-mail?</p> <p>3 A Well, again, things could change.</p> <p>4 Q You're not going to answer that question?</p> <p>5 A No, but I feel like you're not listening,</p> <p>6 where it's always worth another try, isn't it? With</p> <p>7 expanding infrastructure, the fund raising they've</p> <p>8 done.</p> <p>9 Q Is Mr. Torba still the CEO of Gab?</p> <p>10 A I don't know. I think so.</p> <p>11 Q Did you ever receive a response from your</p> <p>12 recent e-mail to Gab?</p> <p>13 A Yes.</p> <p>14 Q What was the response?</p> <p>15 A That it was not recoverable.</p> <p>16 Q When did you receive that?</p> <p>17 A Whenever I sent you the screen shot. I</p> <p>18 think it was the same day or within a close period.</p> <p>19 Q You have an e-mail in your gmail account</p> <p>20 right now from Gab that says the account is not</p> <p>21 recoverable?</p> <p>22 A I believe so.</p> <p>23 Q I'm going to ask that you produce that</p> <p>24 e-mail.</p> <p>25 A Okay.</p>

<p style="text-align: right;">Page 150</p> <p>1 M. HEIMBACH</p> <p>2 Q Are you familiar with the Daily Stormer?</p> <p>3 A Unfortunately.</p> <p>4 Q And why do you say unfortunately?</p> <p>5 A I mean, Andrew Anglin's part of my</p> <p>6 language, but he's an asshole.</p> <p>7 Q And is the Daily Stormer a white</p> <p>8 nationalist message board?</p> <p>9 A No, I would more put that in the white</p> <p>10 supremacist category, which is very different.</p> <p>11 Q And you can post comments to things that</p> <p>12 are posted on the Daily Stormer, right?</p> <p>13 A Once upon a time, yes. They've changed</p> <p>14 their process, I believe.</p> <p>15 Q Okay. Well, you had an account on Daily</p> <p>16 Stormer, right?</p> <p>17 A Yes.</p> <p>18 Q And your user name on that account was</p> <p>19 MatthewHeimbach, right?</p> <p>20 A I guess. I don't know.</p> <p>21 (Heimbach Deposition Exhibit No. 18</p> <p>22 was marked for the record.)</p> <p>23 BY MR. BLOCH:</p> <p>24 Q Mr. Heimbach, I'm showing you Exhibit 18.</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 151</p> <p>1 M. HEIMBACH</p> <p>2 A Yes.</p> <p>3 Q And is that a screen shot of a posting</p> <p>4 that you made on Daily Stormer?</p> <p>5 A Yeah. Very sad. I had a misspelling in</p> <p>6 this, so that's kind of embarrassing.</p> <p>7 Q And your account name on Daily Stormer</p> <p>8 was MatthewHeimbach, one word, right?</p> <p>9 A Yes.</p> <p>10 Q And did anyone else have access to your</p> <p>11 account to post content on the Daily Stormer?</p> <p>12 A I don't believe so.</p> <p>13 Q And you posted what we see in Exhibit</p> <p>14 32 --</p> <p>15 A Yes.</p> <p>16 Q Sorry.</p> <p>17 You posted what we see in Exhibit 18,</p> <p>18 right?</p> <p>19 A Yes. You're getting ahead of yourself.</p> <p>20 Q I suspect we'll get there.</p> <p>21 And you agree with me that you posted</p> <p>22 content to the Daily Stormer that concerned Unite the</p> <p>23 Right, right?</p> <p>24 A I guess. I hadn't even remembered that I</p> <p>25 posted on the Stormer up until this moment. It's</p>
<p style="text-align: right;">Page 152</p> <p>1 M. HEIMBACH</p> <p>2 kind of a blast from the past.</p> <p>3 Q Well, other than that -- well, that</p> <p>4 particular post states that you were not the lead</p> <p>5 organizer, right?</p> <p>6 A That is true.</p> <p>7 Q And that's about Charlottesville, right?</p> <p>8 A Yes.</p> <p>9 Q And what else did you post in relation to</p> <p>10 Charlottesville?</p> <p>11 A I don't know.</p> <p>12 Q When did you open your account on Daily</p> <p>13 Stormer?</p> <p>14 A I don't know.</p> <p>15 Q And can you send private messages on</p> <p>16 Daily Stormer?</p> <p>17 A I don't know.</p> <p>18 Q You don't know?</p> <p>19 A Uh-uh.</p> <p>20 Q You agree with me that you posted the --</p> <p>21 withdrawn.</p> <p>22 You agree with me that you opened the</p> <p>23 account on Daily Stormer prior to the Unite the Right</p> <p>24 event?</p> <p>25 A I assume so.</p>	<p style="text-align: right;">Page 153</p> <p>1 M. HEIMBACH</p> <p>2 Q Isn't that a fair inference from the</p> <p>3 post?</p> <p>4 A Well, yeah, but I'm not exactly sure of</p> <p>5 the date, so --</p> <p>6 Q Do you still have access to your Daily</p> <p>7 Stormer account?</p> <p>8 A I don't believe so.</p> <p>9 Q And when is the last time you logged on</p> <p>10 to Daily Stormer?</p> <p>11 A It's been a long time. I don't recall.</p> <p>12 I mean, I can try.</p> <p>13 Q Well, Daily Stormer requires credentials</p> <p>14 to log into, right?</p> <p>15 A Yeah, I think it's not -- I don't really</p> <p>16 recall. It might be -- I think it's another -- well,</p> <p>17 at the time, I believe it was a different service to</p> <p>18 make comments on news articles that they were using.</p> <p>19 But they've changed formats several different times,</p> <p>20 so I can't really recall the set-up process.</p> <p>21 Q When -- but do you know if you have</p> <p>22 access to content on the Daily Stormer?</p> <p>23 A No.</p> <p>24 Q Is your -- withdrawn.</p> <p>25 Is your Daily Stormer account active?</p>

1 M. HEIMBACH

2 A I don't know.

3 Q You didn't check your Daily Stormer  
4 account when you were asked to produce documents in  
5 this case; is that true?

6 A I didn't even remember that I had a Daily  
7 Stormer commenting account.

8 Q So the answer to my question is, no, you  
9 had never checked the Daily Stormer account to  
10 attempt to produce responsive content in this case?

11 A No. I mean going back over a year, I  
12 didn't even think about it.

13 Q Mr. Heimbach, I'm going to need you to  
14 answer my question. You can provide an explanation  
15 if you want.

16 Did you check the Daily Stormer account  
17 at any point to see if there was responsive content  
18 in relation to this case?

19 A No, but I'd be happy to do so going  
20 forward, if it's still available.

21 Q Have you taken any steps at all to  
22 preserve the content of what you posted on the Daily  
23 Stormer about Unite the Right?

24 A No, because I had forgotten I even had a  
25 commenting out there.

1 M. HEIMBACH

2 Q Did you have a YouTube account?

3 A Yes.

4 Q And you need credentials to get into your  
5 YouTube account, right?

6 A Yes.

7 Q Did anyone else have access to those  
8 credentials?

9 A No.

10 Q When did you open your YouTube account?

11 A I can't recall, but it's been a while.

12 Q You had videos on your YouTube account,  
13 right?

14 A Yes.

15 Q You agree with me that you opened your  
16 YouTube account prior to Unite the Right, right?

17 A Yes.

18 Q And your YouTube account had videos that  
19 concerned Unite the Right, right?

20 A No, I can't recall.

21 Q Is it possible that your YouTube account  
22 had videos that concerned Unite the Right?

23 A I really don't think so, given that the  
24 Traditionalist Worker Party had a YouTube account  
25 where content like that would have been posted.

1 M. HEIMBACH

2 Q So you had -- there were videos of you  
3 discussing Unite the Right on the Traditionalist  
4 Worker Party YouTube account, right?

5 A I can't recall specifics, but I never had  
6 credentials, to the best of my knowledge, to said  
7 YouTube account.

8 Q You're saying you never had credentials  
9 to the Traditionalist Worker YouTube account?

10 A I don't believe so.  
11 (Heimbach Deposition Exhibit No. 19  
12 was marked for the record.)

13 BY MR. BLOCH:

14 Q I'm showing you Exhibit 19.  
15 Do you recognize that?

16 A Yes.

17 Q What is that?

18 A It's a picture of me doing a video.

19 Q And what's the video about?

20 A Unite the Right.

21 Q And where was that posted?

22 A The Traditionalist Worker Party YouTube,  
23 not mine.

24 Q Was that video also posted on your  
25 YouTube account?

1 M. HEIMBACH

2 A I can't recall.

3 Q What videos were posted on your YouTube  
4 account?

5 A I think there were a few of me talking.

6 Q About?

7 A White nationalism.

8 Q Any talking about Traditionalist Worker  
9 Party?

10 A I can't recall. Primarily, because all  
11 of our content was going on the official  
12 Traditionalist Worker Party YouTube account.

13 Q Well, what videos did you post on your  
14 YouTube account that concerned white nationalism?

15 A I gave a speech at the Council of  
16 Conservative Citizens in Maryland in 2014, maybe. I  
17 gave a speech at Camp Camaraderie on behalf of the  
18 Traditionalist Youth Network, which is a separate  
19 organization, back in 2014, I believe. Not a whole  
20 lot.

21 Q Do you agree with me that you posted  
22 videos that concern the National Socialist Movement?

23 A No. I don't recall any.

24 Q Can you testify with any certainty that  
25 there was never a video on your YouTube account that

<p style="text-align: right;">Page 158</p> <p>1 M. HEIMBACH</p> <p>2 concerned the events at issue in this case?</p> <p>3 A I can't recall. You'd probably know</p> <p>4 better than I would.</p> <p>5 Q Prior to the videos being uploaded to</p> <p>6 your YouTube account, where were they?</p> <p>7 A To my YouTube account? In different</p> <p>8 formats. I had filmed a talk in Indiana University,</p> <p>9 in Bloomington, in 2014, which isn't even about white</p> <p>10 nationalism. That was on a really cruddy camera that</p> <p>11 I had that I ended up losing in Weinheim, Germany,</p> <p>12 which was pretty lame.</p> <p>13 But I can't recall in terms of my YouTube</p> <p>14 account because we didn't really use it for party</p> <p>15 business.</p> <p>16 Q Do you still have access to your YouTube</p> <p>17 account?</p> <p>18 A Yes.</p> <p>19 Q Are there still videos on your YouTube</p> <p>20 account?</p> <p>21 A A lot of them got taken down, I believe,</p> <p>22 by YouTube.</p> <p>23 Q When?</p> <p>24 A I mean, over the last -- I don't know --</p> <p>25 I think -- I never really uploaded very much to it.</p>	<p style="text-align: right;">Page 159</p> <p>1 M. HEIMBACH</p> <p>2 So they're there, I believe. Another third-party</p> <p>3 vendor has the credentials through my Google account</p> <p>4 to access it.</p> <p>5 Q What does that mean, through your Google</p> <p>6 account?</p> <p>7 A Well, because it's the same credentials</p> <p>8 because they're the same company.</p> <p>9 Q Did you list your YouTube account on your</p> <p>10 certification you filled out in this case?</p> <p>11 A No, because I don't believe there was</p> <p>12 anything in relation to the subject at hand.</p> <p>13 Q Did you ever check the content of the</p> <p>14 videos on your YouTube account to see if there's</p> <p>15 anything in relation to the subject at hand?</p> <p>16 A When I have, I hadn't seen anything.</p> <p>17 Q My question is: Did you ever check?</p> <p>18 A Yes.</p> <p>19 Q When?</p> <p>20 A I can't recall.</p> <p>21 Q Approximately?</p> <p>22 A I don't know. In the last couple of</p> <p>23 months.</p> <p>24 Q And you have access to your account right</p> <p>25 now?</p>
<p style="text-align: right;">Page 160</p> <p>1 M. HEIMBACH</p> <p>2 A Yeah.</p> <p>3 Q And it still has videos on it?</p> <p>4 A I believe so.</p> <p>5 Q Any problem with us taking a look at it</p> <p>6 during the break?</p> <p>7 A No, that's fine.</p> <p>8 Q Did you have credentials to the TWP</p> <p>9 YouTube account?</p> <p>10 A I don't believe so.</p> <p>11 Q It's possible?</p> <p>12 A Hypothetically.</p> <p>13 Q But you agree with me that that account</p> <p>14 had -- had -- withdrawn.</p> <p>15 The Traditionalist Worker Party YouTube</p> <p>16 account had content related to Unite the Right,</p> <p>17 right?</p> <p>18 A Yes, but I don't believe I ever had the</p> <p>19 credentials for it.</p> <p>20 Q So the answer to my question is, yes,</p> <p>21 right?</p> <p>22 A Yes.</p> <p>23 Q And do you know if that account still</p> <p>24 exists?</p> <p>25 A I have no idea. That would be in</p>	<p style="text-align: right;">Page 161</p> <p>1 M. HEIMBACH</p> <p>2 Defendant Parrott's wheelhouse.</p> <p>3 Q And you're in communication with him,</p> <p>4 right?</p> <p>5 A I could be, if you want me to be.</p> <p>6 Q My question is: Are you in communication</p> <p>7 with Defendant Parrott?</p> <p>8 A On a regular basis, yes.</p> <p>9 Q Did you ever ask him for Unite the Right</p> <p>10 related videos from the YouTube account in connection</p> <p>11 with your production efforts in this case?</p> <p>12 A Considering it wasn't my account, no, I</p> <p>13 don't believe so, but I can't recall.</p> <p>14 Q What is therightstuff.biz?</p> <p>15 A It's a website that hosts articles and</p> <p>16 podcasts.</p> <p>17 Q And you had credentials to that website,</p> <p>18 right?</p> <p>19 A Once upon a time.</p> <p>20 Q When?</p> <p>21 A Back when they had a forum, that they</p> <p>22 deleted.</p> <p>23 Q When was that? I need a date.</p> <p>24 A I can't recall.</p> <p>25 Q Can you tell me a year when you had</p>

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1 M. HEIMBACH  
2 access to therightstuff.biz?  
3 A 2017, maybe.  
4 Q And do you still have an account on  
5 therightstuff.biz?  
6 A They deleted their forum, so I don't  
7 believe anyone has any accounts.  
8 Q So do you still have an account on  
9 therightstuff.biz?  
10 A I don't believe so because they deleted  
11 their forum.  
12 Q You agree with me that there is content  
13 on therightstuff -- withdrawn.  
14 There's content on therightstuff.biz that  
15 you have access to -- withdrawn.  
16 A No.  
17 Q Do you agree that there is content on  
18 therightstuff.biz that you had access to that  
19 concerned the Unite the Right event, right?  
20 A I can't recall.  
21 Q Did you post podcasts to  
22 therightstuff.biz?  
23 A I never posted the podcasts.  
24 Q Did you do podcasts that got posted to  
25 therightstuff.biz?

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1 M. HEIMBACH  
2 A Yes.  
3 Q And that podcast discusses the events at  
4 issue in this case, at some level, right?  
5 A I don't recall.  
6 Q Well, you agree that this podcast  
7 discusses the lawyer that you had in this case?  
8 A I assume so, based on the -- based on  
9 this. I don't recall the episode.  
10 Q Okay. And does this post from  
11 therightstuff.biz also include, on the next page, a  
12 message that says, Help Out Our POWs?  
13 A Yes.  
14 Q And the POWs are Alex Ramos, James  
15 Fields, Jake Goodwin and Daniel Borden and William  
16 Planer, right?  
17 A Yes.  
18 Q And you agree that some of those folks  
19 are related to the Unite the Right event, right?  
20 A Yes.  
21 Q And are you saying that you didn't have  
22 access to make comments on this posting?  
23 A I don't recall. I assume there's going  
24 to be some. Oh, there we go.  
25 Yeah, I guess I did. I just don't

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1 M. HEIMBACH  
2 A Yeah, but I never posted them.  
3 Q And you agree that some of those podcasts  
4 concerned the events at issue in this case, right?  
5 A Potentially.  
6 Q You don't recall, as you sit here today?  
7 A I don't. It's been a minute.  
8 (Heimbach Deposition Exhibit No. 20  
9 was marked for the record.)  
10 BY MR. BLOCH:  
11 Q I'm showing you Exhibit 20.  
12 Is this a screen shot of  
13 therightstuff.biz?  
14 A Yes.  
15 Q And is there a -- and this was something  
16 you had access to at one point, right?  
17 A I don't believe so.  
18 Q This is a post from February 2018?  
19 A Yeah -- well this isn't the forum. The  
20 forum was a separate thing.  
21 Tony Hovater was the one who handled  
22 uploading all the files, and I believe he had  
23 credentials. I don't recall ever having them.  
24 Q Well, this shows a podcast that you and  
25 Tony Hovater were in, correct?

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1 M. HEIMBACH  
2 recall.  
3 Q Okay. But you agree with me that you had  
4 a -- log-in credentials to therightstuff.biz that  
5 allowed you to make comments that concerned the Unite  
6 the Right; isn't that true?  
7 A I suppose.  
8 Q Well, do you agree -- you see a -- on  
9 page four, there's a post by you, right?  
10 A Yeah. I don't write exactly know the  
11 specifics of what commenting required in terms of if  
12 it was a third-party service or if it was posted on  
13 hosted on the site. I can't recall.  
14 Q Did you have the account Heimbach on  
15 therightstuff.biz?  
16 A I don't recall, but I assume so based on  
17 this.  
18 Q Well, nobody else had access to your  
19 rightstuff.biz credentials, right?  
20 A I don't believe so.  
21 Q So do you agree with me that you posted  
22 this comment that we see in Exhibit 20?  
23 A Sure. Yes.  
24 Q And you agree that this comment falls  
25 under a comment thread about an episode of the

<p style="text-align: right;">Page 166</p> <p>1 M. HEIMBACH</p> <p>2 podcast that, in some part, concerned Unite the</p> <p>3 Right, correct?</p> <p>4 A Sure.</p> <p>5 Q Do you still have access to your</p> <p>6 rightstuff.biz account?</p> <p>7 A I don't believe so, because the mobs of</p> <p>8 therightstuff deleted all the Action podcasts, their</p> <p>9 forum and associated accounts, I believe, but that</p> <p>10 would be, you know, on them.</p> <p>11 Q When did that happen?</p> <p>12 A Right after this episode aired, actually,</p> <p>13 in terms of deleting all the content off.</p> <p>14 Q And this -- how did you become aware that</p> <p>15 that happened?</p> <p>16 A I don't recall.</p> <p>17 Q Did you get an e-mail about it?</p> <p>18 A I don't recall.</p> <p>19 MR. BLOCH: Can somebody on the</p> <p>20 phone go on mute? There's a lot of noise</p> <p>21 coming through the speaker. So if</p> <p>22 somebody who is making all noise --</p> <p>23 MR. DINUCCI: I was on mute. It</p> <p>24 wasn't me.</p> <p>25 MR. BLOCH: Okay.</p>	<p style="text-align: right;">Page 167</p> <p>1 M. HEIMBACH</p> <p>2 BY MR. BLOCH:</p> <p>3 Q Did you write the content on that post,</p> <p>4 Help Our -- Help Out Our POWs?</p> <p>5 A No, Tony Hovater did, because he was the</p> <p>6 one who posted it, as you can see on page one.</p> <p>7 Q And Tony Hovater was a member of</p> <p>8 Traditionalist Worker Party, right?</p> <p>9 A Yes.</p> <p>10 Q Did you take any steps to preserve the</p> <p>11 content of what was posted on therightstuff.biz,</p> <p>12 ever?</p> <p>13 A Well, I didn't exactly plan on them</p> <p>14 deleting all the content out of hand, so no. I was</p> <p>15 under the assumption that the content would remain</p> <p>16 where it was and continue to be expanded upon.</p> <p>17 Q Did you ever alert your attorney to</p> <p>18 content that was on rightstuff.biz that was</p> <p>19 responsive to this case?</p> <p>20 A No, because I had forgotten that these</p> <p>21 even existed.</p> <p>22 Q Are you aware of any steps taken by you</p> <p>23 or any counsel to preserve any of the content from</p> <p>24 therightstuff.biz?</p> <p>25 A Well, considering I didn't post this, I</p>
<p style="text-align: right;">Page 168</p> <p>1 M. HEIMBACH</p> <p>2 figured that would fall under Tony Hovater, so no, I</p> <p>3 didn't.</p> <p>4 Q Are you aware of whether Mr. Tony Hovater</p> <p>5 took any such steps?</p> <p>6 A No idea.</p> <p>7 Q What is Iron March?</p> <p>8 A It is a former forum.</p> <p>9 Q And it's a social media network, right?</p> <p>10 A Well, yeah, it was.</p> <p>11 Q And you read Iron March?</p> <p>12 A Well, it doesn't exist anymore, so --</p> <p>13 Q You have read Iron March?</p> <p>14 A Yes.</p> <p>15 Q And you had an account on Iron March,</p> <p>16 right?</p> <p>17 A Yes.</p> <p>18 Q And you posted content on Iron March,</p> <p>19 right?</p> <p>20 A Yes.</p> <p>21 Q And you posted content that concerned the</p> <p>22 events at issue in this case, correct?</p> <p>23 A I can't recall.</p> <p>24 Q And that's because you don't recall any</p> <p>25 of the content you posted on Iron March?</p>	<p style="text-align: right;">Page 169</p> <p>1 M. HEIMBACH</p> <p>2 A No.</p> <p>3 Q Is that correct?</p> <p>4 A Yeah, I don't recall.</p> <p>5 Q So it's possible that you posted content</p> <p>6 that concerned the events at issue in this case on</p> <p>7 Iron March, right?</p> <p>8 A I don't recall.</p> <p>9 Q Do you agree with me that you posted</p> <p>10 content on Iron March concerning Traditionalist</p> <p>11 Worker Party?</p> <p>12 A I don't recall any of my posts.</p> <p>13 Q So it's possible that you posted content</p> <p>14 concerning Traditionalist Worker Party on Iron March,</p> <p>15 right?</p> <p>16 A I could have posted things about Big</p> <p>17 Foot, I suppose.</p> <p>18 Q In addition to things -- did you post</p> <p>19 things about Big Foot?</p> <p>20 A I can't recall.</p> <p>21 (Heimbach Deposition Exhibit No. 21</p> <p>22 was marked for the record.)</p> <p>23 BY MR. BLOCH:</p> <p>24 Q I'm showing you Exhibit 21.</p> <p>25 This is a shot of some posts from</p>

<p style="text-align: right;">Page 170</p> <p>1 M. HEIMBACH</p> <p>2 Discord, including posts by you, correct?</p> <p>3 A Let me take a look at it.</p> <p>4 It looks like.</p> <p>5 Q And the third post from the bottom is</p> <p>6 somebody named Estalia. And Estalia wrote on May</p> <p>7 23rd, 2017: Quote, The TWP does some really neat</p> <p>8 stuff and I've really enjoyed your posting on IM,</p> <p>9 Matt. I'm glad to be here.</p> <p>10 Do you see that?</p> <p>11 A Yes.</p> <p>12 Q And then two posts down, you wrote, on</p> <p>13 May 23rd, 2017, approximately 25 seconds later: Glad</p> <p>14 to have you here. Getting our Discord up and running</p> <p>15 and regional coordinators is going to make us much</p> <p>16 more effective on a national level.</p> <p>17 Right?</p> <p>18 A Yup.</p> <p>19 Q And you believe that Estalia is</p> <p>20 referencing a post that you made on Iron March?</p> <p>21 A I assume so.</p> <p>22 Q Because IM is, most likely, Iron March</p> <p>23 right?</p> <p>24 A Most likely.</p> <p>25 Q Does that refresh your recollection that</p>	<p style="text-align: right;">Page 171</p> <p>1 M. HEIMBACH</p> <p>2 you've made posts on Iron March that concern the</p> <p>3 Traditionalist Worker Party?</p> <p>4 A No.</p> <p>5 Q Do you still have access to your Iron</p> <p>6 March account?</p> <p>7 A No, because the individual who created</p> <p>8 Iron March deleted everything and is off living his</p> <p>9 best life somewhere in the Russian Federation.</p> <p>10 Q And who is that that created Iron March?</p> <p>11 A Slavaros.</p> <p>12 Q And are you -- do you know Slavaros?</p> <p>13 A No.</p> <p>14 Q How do you spell Slavaros?</p> <p>15 A S-L-A-V-A-R-O-S.</p> <p>16 Q And when did Slavaros delete the content</p> <p>17 to Iron March?</p> <p>18 A I can't recall. I mean, it was in the</p> <p>19 news. I'm sure you can just look it up.</p> <p>20 Q Can you give us a year?</p> <p>21 A No.</p> <p>22 Q Was it after Unite the Right?</p> <p>23 A I can't recall.</p> <p>24 Q Did you take any steps at any time to</p> <p>25 preserve the content of what you posted on Iron</p>
<p style="text-align: right;">Page 172</p> <p>1 M. HEIMBACH</p> <p>2 March?</p> <p>3 A Well, I didn't really expect the fellow</p> <p>4 to have a nervous breakdown and delete everything.</p> <p>5 So the answer would be, no.</p> <p>6 Q Are you familiar with PayPal?</p> <p>7 A Yes.</p> <p>8 Q What's PayPal?</p> <p>9 A It's a fund transferring site.</p> <p>10 Q And you had a PayPal account, right?</p> <p>11 A Many moons ago.</p> <p>12 Q Well, you had a PayPal account before</p> <p>13 Unite the Right Charlottesville, right?</p> <p>14 A I can't recall.</p> <p>15 (Heimbach Deposition Exhibit No. 22</p> <p>16 was marked for the record.)</p> <p>17 BY MR. BLOCH:</p> <p>18 Q I'm showing you Exhibit 22. And that's a</p> <p>19 Gab post that you made, right?</p> <p>20 A I guess, yeah.</p> <p>21 Q Is it?</p> <p>22 A Yes.</p> <p>23 Q And you wrote on Gab: After Cville, my</p> <p>24 PayPal account was shut down sadly. We are opening a</p> <p>25 new P.O. Box in the next few days actually, so I'll</p>	<p style="text-align: right;">Page 173</p> <p>1 M. HEIMBACH</p> <p>2 keep you posted. Thank you, Comrade. P.S. Be sure</p> <p>3 to check your spam filter. My hateon confirmation</p> <p>4 ended up there.</p> <p>5 Did you write that on Gab?</p> <p>6 A I believe so.</p> <p>7 Q Did you?</p> <p>8 A Yes.</p> <p>9 Q And Cville means Charlottesville, right?</p> <p>10 A Indeed.</p> <p>11 Q And so, what were you referring to when</p> <p>12 you said, After Cville my PayPal account was shut</p> <p>13 down sadly?</p> <p>14 A I don't remember if this was a 32 account</p> <p>15 or one that was related to the Traditionalist Worker</p> <p>16 Party. I can't recall.</p> <p>17 Q But you agree that you had a PayPal</p> <p>18 account that was open before Charlottesville, right?</p> <p>19 A I can't recall but, based on this,</p> <p>20 I would assume so.</p> <p>21 Q And did you raise money on PayPal for</p> <p>22 Unite the Right?</p> <p>23 A I don't recall.</p> <p>24 Q You don't recall that?</p> <p>25 A No.</p>

<p style="text-align: right;">Page 174</p> <p>1 M. HEIMBACH</p> <p>2 Q Did you raise money on the Traditionalist</p> <p>3 Worker Party PayPal account for Unite the Right?</p> <p>4 A I don't recall.</p> <p>5 Q Do you have any recollection as to how</p> <p>6 you raised money for Unite the Right?</p> <p>7 A No.</p> <p>8 Q Did you raise money for Unite the Right?</p> <p>9 A I don't recall.</p> <p>10 Q Do you recall anything about --</p> <p>11 withdrawn.</p> <p>12 A However, based upon infrastructure, that</p> <p>13 would probably be a question for Mr. Parrott.</p> <p>14 Q Do you agree with me that on PayPal, when</p> <p>15 somebody sends funds, they can include messages with</p> <p>16 the funds, right?</p> <p>17 A I don't recall.</p> <p>18 Q Do you -- you don't recall how PayPal</p> <p>19 works?</p> <p>20 A No.</p> <p>21 Q Do you still have a PayPal account?</p> <p>22 A No.</p> <p>23 Q Do you recall if there were messages sent</p> <p>24 over your PayPal account that concern Unite the</p> <p>25 Right?</p>	<p style="text-align: right;">Page 175</p> <p>1 M. HEIMBACH</p> <p>2 A I don't recall.</p> <p>3 Q Do you agree that it's possible?</p> <p>4 A Anything is possible. This is America.</p> <p>5 Q Did you make any efforts to check whether</p> <p>6 your PayPal account had content concerning Unite the</p> <p>7 Right?</p> <p>8 A The -- any of the PayPal accounts, I</p> <p>9 believe, were shut down by PayPal themselves, so I</p> <p>10 don't believe there was an opportunity.</p> <p>11 Q Did you reach out to PayPal and see if</p> <p>12 you could recover the content from your PayPal</p> <p>13 account?</p> <p>14 A Well, until this moment, I had forgotten</p> <p>15 a PayPal had even existed, but I would be happy to do</p> <p>16 that.</p> <p>17 Q So is the answer to my question, no?</p> <p>18 A No, I hadn't even thought about PayPal in</p> <p>19 a very long time.</p> <p>20 Q Mr. Heimbach, when you filled out your</p> <p>21 interrogatory response on Exhibit 7 that asked you to</p> <p>22 list the social media accounts that had responsive</p> <p>23 content, what did you do to determine which social</p> <p>24 media accounts you had used that include responsive</p> <p>25 content?</p>
<p style="text-align: right;">Page 176</p> <p>1 M. HEIMBACH</p> <p>2 A Oh, I just thought of it off the top of</p> <p>3 my head.</p> <p>4 Q How long did you spend on it?</p> <p>5 A Oh, ages. No. I don't know. I can't</p> <p>6 recall.</p> <p>7 Q Seconds?</p> <p>8 A I can't recall. Time is a relative</p> <p>9 thing.</p> <p>10 Q Did you have a Hatreon account?</p> <p>11 A I believe so.</p> <p>12 Q Did you raise money on your Hatreon</p> <p>13 account for Charlottesville?</p> <p>14 A I don't recall.</p> <p>15 Q Was there a GoyFundMe account?</p> <p>16 A Possibly.</p> <p>17 Q You don't recall whether there was a --</p> <p>18 A I believe I did, I just don't recall if</p> <p>19 anything had actually been funded.</p> <p>20 Both Hatreon and GoyFundMe, along with</p> <p>21 numerous other fund-raising platforms, were all shut</p> <p>22 down, had their credit card processing blocked, very</p> <p>23 flash in the pan sort of things. So, I don't recall.</p> <p>24 Q You agree you did have a GoyFundMe</p> <p>25 account, correct?</p>	<p style="text-align: right;">Page 177</p> <p>1 M. HEIMBACH</p> <p>2 A I believe so.</p> <p>3 Q And did you raise money on your GoyFundMe</p> <p>4 account for Unite the Right?</p> <p>5 A I don't recall.</p> <p>6 Q And the GoyFundMe account includes a</p> <p>7 messaging function?</p> <p>8 A I don't recall.</p> <p>9 Q Do you recall anything about GoyFundMe?</p> <p>10 A Only that it lasted a very short period</p> <p>11 of time.</p> <p>12 Q Well, you agree with me that it was still</p> <p>13 in existence -- withdrawn.</p> <p>14 The GoyFundMe account that you had access</p> <p>15 to was still in existence in December of 2017, right?</p> <p>16 A I don't recall.</p> <p>17 (Heimbach Deposition Exhibit No. 23</p> <p>18 was marked for the record.)</p> <p>19 BY MR. BLOCH:</p> <p>20 Q I'm showing you Exhibit 23, and just take</p> <p>21 a look at that.</p> <p>22 A Oh, now everybody is going to know I'm a</p> <p>23 Warhammer 40K nerd.</p> <p>24 Q I'm sorry?</p> <p>25 A It's a picture of a tech priest from the</p>

<p style="text-align: right;">Page 178</p> <p>1 M. HEIMBACH</p> <p>2 Warhammer 40K miniature gaming.</p> <p>3 Q You agree that these are -- this is a</p> <p>4 screen shot of posts that were made on Discord,</p> <p>5 including some by you, right?</p> <p>6 A Yes.</p> <p>7 Q And the first post is by somebody (H)</p> <p>8 Sterie Ciumetti, on December 23rd, 2017, right?</p> <p>9 A Yes.</p> <p>10 Q Do you know who that is?</p> <p>11 A Nope.</p> <p>12 Q And that person wrote: What happened to</p> <p>13 GoyFundMe.</p> <p>14 Right?</p> <p>15 A Uh-huh.</p> <p>16 Q And then you wrote, approximately one</p> <p>17 minute later, on December 23rd, 2017: Temporarily</p> <p>18 down. It will be back up shortly.</p> <p>19 Right?</p> <p>20 A Looks like, yeah.</p> <p>21 Q Does that refresh your recollection that</p> <p>22 your GoyFundMe account was still in existence as of</p> <p>23 December 2017?</p> <p>24 A The website existed. I don't recall</p> <p>25 about my specific account, though.</p>	<p style="text-align: right;">Page 179</p> <p>1 M. HEIMBACH</p> <p>2 Q Well, isn't that what you were referring</p> <p>3 to in that post?</p> <p>4 A No, no. The website itself. The website</p> <p>5 was down.</p> <p>6 Q Now, you disclosed a Twitter account?</p> <p>7 A Uh-huh.</p> <p>8 Q In this case with the handle @MatthewW --</p> <p>9 withdrawn. Sorry.</p> <p>10 You disclose a Twitter account with the</p> <p>11 handle @MatthewHeimbach, right?</p> <p>12 A Yes.</p> <p>13 Q Is that the only Twitter account you've</p> <p>14 ever had?</p> <p>15 A No. I had one at some point earlier this</p> <p>16 year. It didn't really get any traction. Then I</p> <p>17 don't believe that I ever discussed anything</p> <p>18 involving Unite the Right or the aftermath or the</p> <p>19 planning or anything.</p> <p>20 Q Okay. So let me unpack that.</p> <p>21 You agree with me that you had an</p> <p>22 additional Twitter account to the @MatthewHeimbach,</p> <p>23 right?</p> <p>24 A Yes, which based upon the question, I do</p> <p>25 not believe had any content relation.</p>
<p style="text-align: right;">Page 180</p> <p>1 M. HEIMBACH</p> <p>2 Q Okay. And what was the handle for --</p> <p>3 A I think it was @MatthewHeimbach.</p> <p>4 Q Did you have an account that was</p> <p>5 @HeimbachMatthew?</p> <p>6 A It could have been that one, yeah.</p> <p>7 Q When did you create that account?</p> <p>8 A I don't recall.</p> <p>9 Q But you agree that it was active this</p> <p>10 year, right?</p> <p>11 A Yes.</p> <p>12 Q And are you saying you did not use that</p> <p>13 account to discuss anything concerning</p> <p>14 Charlottesville?</p> <p>15 A I don't believe so.</p> <p>16 (Heimbach Deposition Exhibit No. 24</p> <p>17 was marked for the record.)</p> <p>18 BY MR. BLOCH:</p> <p>19 Q Mr. Heimbach, I'm showing you Exhibit</p> <p>20 No. 24. And is that --</p> <p>21 UNKNOWN SPEAKER: I'm sorry?</p> <p>22 MR. BLOCH: Was there a comment on</p> <p>23 the phone?</p> <p>24 BY MR. BLOCH:</p> <p>25 Q Okay. Mr. Heimbach, is that a screen</p>	<p style="text-align: right;">Page 181</p> <p>1 M. HEIMBACH</p> <p>2 shot of your Twitter account @HeimbachMatthew?</p> <p>3 A Yes.</p> <p>4 Q And is there a post by you at the bottom</p> <p>5 of the page?</p> <p>6 A There is.</p> <p>7 Q And does that post say: Not abandoning</p> <p>8 the Cville POWs or my own guys that got caught in</p> <p>9 trouble?</p> <p>10 A Uh-huh.</p> <p>11 Q PF has had like ten guys arrested in the</p> <p>12 past year and it seems from all I've heard that</p> <p>13 they've been left to the wolves.</p> <p>14 Right?</p> <p>15 A Uh-huh.</p> <p>16 Q And then it goes on?</p> <p>17 A Yeah. Sad situation.</p> <p>18 Q And you posted that message on</p> <p>19 March 14th, 2019; isn't that true?</p> <p>20 A Looks like.</p> <p>21 Q And -- well, is that true?</p> <p>22 A Based on this, yes.</p> <p>23 Q And no one else had access to that</p> <p>24 Twitter account, right?</p> <p>25 A No.</p>

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2 Q And does Cville mean Charlottesville?

3 A Yes.

4 Q And does POWs means prisoners of war?

5 A It does.

6 Q And so who are these Cville POWs that  
7 you're referring to in --

8 A The Ramos, Borden, Goodwin, Fields, whose  
9 cases had concluded.

10 (Heimbach Deposition Exhibit No. 25  
11 was marked for the record.)

12 THE WITNESS: Do you guys want to  
13 do like one more and I'll fill my the  
14 water bottle real quick? Is that okay?

15 BY MR. BLOCH:

16 Q Exhibit 25 I'm showing you, and is that  
17 something you posted on Twitter March 8th, 2019?

18 A Yeah, it looks like.

19 Q And did you write on Twitter: Everyone  
20 post Cville: Discord has publicly said that they are  
21 helping the SPLC and will leave all chats. Let's  
22 stop using Discord?

23 A Yes.

24 Q What does Cville mean?

25 A Charlottesville.

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2 Q And is it your view that that Twitter  
3 account did not post any content -- withdrawn.

4 Is it your view that you did not post any  
5 content on that Twitter account that concerned  
6 Charlottesville?

7 A Not in regards to what was outlined. And  
8 based on my understanding of what was required, it  
9 was not about the planning or anything like that, or  
10 communications about the ongoing litigation. It  
11 was -- this is a comment about Discord.

12 Q Did the definition of concerning that we  
13 read earlier include anything that referred to  
14 Charlottesville?

15 A Perhaps I misunderstood and, if so, that  
16 was an oversight.

17 Q So you would agree with me that you have  
18 content on your second Twitter account that concerned  
19 Charlottesville, right?

20 A I really think that's more of a fishing  
21 expedition, but we'll see where this goes.

22 Q What's the answer to my question?

23 A In regards to -- I mean, where I'd post a  
24 Blood Post or Yelp review based on the nice bistro in  
25 Charlottesville, would that be considered part of

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2 this?

3 Q Did you write, Charlottesville Prisoners  
4 of War, referring to people that were arrested for  
5 violence that they were alleged to have committed at  
6 Charlottesville Unite the Right?

7 A Yes.

8 Q Do you still have that Twitter account?

9 A No, I do not.

10 Q And why not?

11 A I was being post banned where no one was  
12 seeing any of my comments, so it just really wasn't  
13 worth the time.

14 Q You agree with me that you deleted that  
15 Twitter account, right?

16 A Yes, based on my understanding of the  
17 Plaintiffs' request that I had -- by deleting it, I  
18 was not violating any of the requests, because I did  
19 not discuss the case, I did not discuss anything  
20 other than the thing on Discord or the guys that were  
21 already sentenced and in prison that weren't even in  
22 Charlottesville anymore and needed support. So --

23 Q So just to be clear, the answer to my  
24 question is you deleted this Twitter account, right?

25 A Based upon my understanding that I was

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2 not in violation of any requirements by the court.

3 Q Is the answer to my question, yes?

4 A Along with the addendum, but yes.

5 Q And you did so after March of 2019,  
6 right?

7 A That would be accurate.

8 MR. BLOCH: Should we take a  
9 five-minute break.

10 THE WITNESS: That would be great.

11 THE VIDEOGRAPHER: We're going off  
12 the record. The time is 11:33 a.m.

13 (Brief pause.)

14 THE VIDEOGRAPHER: We're back on  
15 record in the deposition of Matthew  
16 Heimbach. The time is 11:40 a.m.

17 BY MR. BLOCH:

18 Q Mr. Heimbach, you're aware that the Court  
19 recently ordered you to submit consent forms to give  
20 us access to your Twitter accounts, right?

21 A Yes.

22 Q And you understood that you were required  
23 to give us consent to all your Twitter accounts that  
24 concerned Unite the Right, right?

25 A Well like I had said, if I had

<p style="text-align: right;">Page 186</p> <p>1 M. HEIMBACH</p> <p>2 misunderstood in relation to the secondary account, I</p> <p>3 simply misunderstood and would be happy to amend</p> <p>4 anything that needs to be amended.</p> <p>5 Q Right. So let's just answer my question</p> <p>6 first.</p> <p>7 You understood that you were required to</p> <p>8 give us content to all Twitter accounts that</p> <p>9 concerned the events at issue in this case, right?</p> <p>10 A That concerned the events, yes, which to</p> <p>11 my understanding was only the account that was in</p> <p>12 effect during the before and after period of Unite</p> <p>13 the Right.</p> <p>14 Q I'm sorry. Say that again.</p> <p>15 What was your understanding?</p> <p>16 A My understanding was that related to the</p> <p>17 account that was in use prior and post August 12th of</p> <p>18 2017, because that would have had the relation to it.</p> <p>19 And I didn't understand that these would be</p> <p>20 considered falling under that umbrella. I would be</p> <p>21 happy to remedy that.</p> <p>22 Q Why did you think these didn't fall under</p> <p>23 the umbrella? Because they were created after Unite</p> <p>24 the Right?</p> <p>25 A No, because they weren't discussing with</p>	<p style="text-align: right;">Page 187</p> <p>1 M. HEIMBACH</p> <p>2 anyone about it and it wasn't even discussing the</p> <p>3 event itself.</p> <p>4 Q You agree with me that in the -- you did</p> <p>5 submit a Twitter consent form, right?</p> <p>6 A Yes.</p> <p>7 Q And you agree with me that you did not</p> <p>8 include your @MatthewHeimbach Twitter account, right?</p> <p>9 A No, @HeimbachMatthew. I did include</p> <p>10 @MatthewHeimbach.</p> <p>11 Q I'm sorry. You did include</p> <p>12 @MatthewHeimbach, right?</p> <p>13 A Yes.</p> <p>14 Q You did not include @HeimbachMatthew,</p> <p>15 right?</p> <p>16 A Yes, as I did not think that it fell</p> <p>17 under the Plaintiffs' filings. But again, if that's</p> <p>18 an issue, I'd be happy to fix it.</p> <p>19 Q Are you familiar with 8chan?</p> <p>20 A I mean, I guess, yeah.</p> <p>21 Q Are you familiar with 8chan?</p> <p>22 A It has a website.</p> <p>23 Q And have you ever had an 8chan account?</p> <p>24 A I don't believe so.</p> <p>25 If I had, that would be news to me.</p>
<p style="text-align: right;">Page 188</p> <p>1 M. HEIMBACH</p> <p>2 Q Did you have an 8chan account, ever?</p> <p>3 A Not that I can recall.</p> <p>4 Q 8chan requires -- in order to see the</p> <p>5 content that's posted on 8chan, you need to have an</p> <p>6 8chan account?</p> <p>7 A No.</p> <p>8 Q You can see 8chan from anywhere?</p> <p>9 A Yes.</p> <p>10 (Heimbach Deposition Exhibit No. 26</p> <p>11 was marked for the record.)</p> <p>12 BY MR. BLOCH:</p> <p>13 Q I'm showing you Exhibit 26. And is this</p> <p>14 a Discord post -- withdrawn.</p> <p>15 Is this a post that you posted on Discord</p> <p>16 on October -- sorry -- November 29th, 2017?</p> <p>17 A Yes.</p> <p>18 Q And did you write: I have 8chan bitching</p> <p>19 that I pointed out the Russian Communist Party isn't</p> <p>20 Bolshevik anymore and it has basically NS policies</p> <p>21 but that meets --</p> <p>22 And then there's a number?</p> <p>23 A Yes.</p> <p>24 Q Did you write that on October -- sorry --</p> <p>25 on November 29, 2017?</p>	<p style="text-align: right;">Page 189</p> <p>1 M. HEIMBACH</p> <p>2 A Yes.</p> <p>3 Q Does that -- what does that refer to?</p> <p>4 A I think that's probably in reference to</p> <p>5 articles and podcasts I've done, specifically with</p> <p>6 Dr. Matthew Raphael Johnson, on the Daily</p> <p>7 Traditionalist where we cover the Russian Communist</p> <p>8 Party.</p> <p>9 I don't recall ever having an account or</p> <p>10 posting on 8chan, but they have posted forum threads</p> <p>11 about me, generally bitching about me.</p> <p>12 Q And, I mean, are you -- can you assure us</p> <p>13 with any level of certainty that you did not have an</p> <p>14 8chan account?</p> <p>15 A I don't recall ever having one, but</p> <p>16 they've had multiple threads in relation to me, which</p> <p>17 I've been notified of and read.</p> <p>18 Q Have you ever had a 4chan account?</p> <p>19 A I don't believe so.</p> <p>20 Q Other than the social media accounts that</p> <p>21 we discussed, have you ever had any other social</p> <p>22 media accounts?</p> <p>23 A Not that I can think of.</p> <p>24 Q Now, you founded the Traditionalist</p> <p>25 Worker Party, right?</p>

<p style="text-align: right;">Page 190</p> <p>1 M. HEIMBACH</p> <p>2 A Yes.</p> <p>3 Q And you were the chairman of it, right?</p> <p>4 A Uh-huh.</p> <p>5 Q And when was it founded?</p> <p>6 A 2015, officially, I guess.</p> <p>7 Q And in 2017, who else, other than you,</p> <p>8 was in a leadership position in TWP?</p> <p>9 A Matt Parrott, Tony Hovater. I guess that</p> <p>10 would be basically the brain trust. Right?</p> <p>11 Q Anybody else?</p> <p>12 A Not that I can really think of.</p> <p>13 Q Derek Davis?</p> <p>14 A Yeah, but not like at the -- the top</p> <p>15 level.</p> <p>16 Q Okay. But the answer is, yes, Derek</p> <p>17 Davis was in a leadership position in TWP?</p> <p>18 A Depends how -- you have to define</p> <p>19 leadership position.</p> <p>20 Q Jason Augustus?</p> <p>21 A I mean, he wasn't on our board or</p> <p>22 anything.</p> <p>23 Q Cesar Ortiz?</p> <p>24 A He wasn't on the board.</p> <p>25 Q Did TWP have a spokesman at or around</p>	<p style="text-align: right;">Page 191</p> <p>1 M. HEIMBACH</p> <p>2 time of Unite the Right?</p> <p>3 A I guess that would have been me.</p> <p>4 Q And when you sent messages on behalf of</p> <p>5 TWP about Unite the Right, how did you do so?</p> <p>6 A Generally through Mr. Parrott, in the</p> <p>7 ticket system.</p> <p>8 Q So you would send a message through the</p> <p>9 ticket system to Mr. Parrott?</p> <p>10 A No, not necessarily. I could just -- you</p> <p>11 know, I'd walk over and tell him what I wanted said</p> <p>12 and then he would send it out.</p> <p>13 Q Meaning you would go to his house and he</p> <p>14 would type -- you would essentially dictate to him?</p> <p>15 A I mean, sometimes, yeah. He lived next</p> <p>16 door. It was pretty easy.</p> <p>17 Q Were there times where you sent Mr.</p> <p>18 Parrott e-mails that were on behalf of TWP, to be</p> <p>19 circulated?</p> <p>20 A Not that I can recall.</p> <p>21 Q Who else within TWP participated in</p> <p>22 planning for the Unite the Right rally?</p> <p>23 A In terms of, like, just the overall</p> <p>24 logistics?</p> <p>25 Q Any part of planning?</p>
<p style="text-align: right;">Page 192</p> <p>1 M. HEIMBACH</p> <p>2 A That mostly would have been me and</p> <p>3 Parrott.</p> <p>4 Q How about Derek Davis?</p> <p>5 A Somewhat, I guess.</p> <p>6 Q Jason Augustus?</p> <p>7 A No. His job was just to make pretty</p> <p>8 pictures.</p> <p>9 Q For Unite the Right?</p> <p>10 A Just in general.</p> <p>11 Q Did he also produce pictures or content</p> <p>12 of some sort that concerned Unite the Right?</p> <p>13 A I can't recall.</p> <p>14 Q Did -- was somebody in charge of</p> <p>15 propaganda?</p> <p>16 A I can't recall. A lot of things were</p> <p>17 crowd funded, outside of even our organization.</p> <p>18 Q You're the chairman of the party, right?</p> <p>19 A Uh-huh.</p> <p>20 Q Is it fair to say Unite the Right is the</p> <p>21 biggest rally that TWP has attended, ever?</p> <p>22 A Yeah.</p> <p>23 Q And you can't recall -- and you know that</p> <p>24 you had people in charge of propaganda for the rally,</p> <p>25 right?</p>	<p style="text-align: right;">Page 193</p> <p>1 M. HEIMBACH</p> <p>2 A I can't recall the specifics.</p> <p>3 Q You can't recall, as the chairman of TWP,</p> <p>4 whether you had somebody producing propaganda for the</p> <p>5 Unite the Right rally?</p> <p>6 A Well, I'm not a propagandist, so it would</p> <p>7 have been outside of my wheelhouse.</p> <p>8 Q You are the chairman of the party, right?</p> <p>9 A Uh-huh.</p> <p>10 Q So wouldn't propaganda fall within your</p> <p>11 wheelhouse?</p> <p>12 A No. I'm primarily dealing with media and</p> <p>13 writing the newspaper.</p> <p>14 Q You?</p> <p>15 A Yeah.</p> <p>16 Q And so you don't know, as you sit here</p> <p>17 today, who produced propaganda for the Unite the</p> <p>18 right rally?</p> <p>19 A I can't recall. Like I said, there were</p> <p>20 a lot of things created on the chans. There were a</p> <p>21 lot of things created in the Discord by anonymous</p> <p>22 users. There was a lot of content created by a lot</p> <p>23 of people that I don't know.</p> <p>24 Q But you did not have one person in charge</p> <p>25 or two people in charge of creating propaganda for</p>

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2 the rally?

3 A I don't recall.

4 Q Do you recall anything about the planning  
5 of the Unite the Right rally?

6 A Just primarily that we worked to network  
7 as much as possible with local and state police to  
8 ensure that we had a designated parking area and  
9 everyone could get in safe. That was primarily the  
10 planning that happened.

11 Q That's all you did to plan the Unite the  
12 Right rally, is coordinate with the police?

13 A That's the most of it. I can't really  
14 think of other specifics. But you have a handy  
15 refresher. That always helps.

16 Q Cesar Ortiz, was he involved in any part  
17 planning Unite the Right?

18 A I can't recall.

19 Q Was he involved with logistics?

20 A I can't recall.

21 Q Tony Hovater, did he have any part in  
22 planning Unite the Right?

23 A I can't recall.

24 Q Are you still in touch with Tony Hovater?

25 A We don't talk.

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2 Q Why not?

3 A I mean, friends can grow apart.

4 Q Is that what happened?

5 A Essentially.

6 Q When?

7 A I mean, over the last year.

8 Q Is it fair to say that you communicated  
9 with Tony Hovater on regular basis in the lead-up to  
10 Unite the Right rally?

11 A I can't recall.

12 Q Can you recall communicating at all with  
13 Tony Hovater about Unite the Right rally?

14 A No. Basically all my communications were  
15 with Matt Parrott, that I can recall.

16 Q Do you recall ever speaking to Tony  
17 Hovater?

18 A Ever?

19 Q Ever.

20 A Well, I was in his wedding, so I'd hope  
21 so.

22 Q When was that?

23 A 2017, maybe.

24 Q Other than Matthew Parrott, Derek Davis,  
25 Jason Augustus, Cesar Ortiz, Tony Hovater, is there

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2 anyone else within TWP that had anything to do with  
3 planning the Unite the Right rally?

4 A Not that I can think of.

5 Q You'd agree with me that Derek Davis was  
6 referred to as Commander Davis on Discord, right?

7 A If that was his handle, then that was his  
8 handle.

9 Q Well, wasn't that his handle?

10 A I don't recall.

11 Q When is the last time you communicated  
12 with Derek Davis?

13 A I believe over a year.

14 Q How did you communicate with him?

15 A I'm trying to think. By phone, maybe.

16 Q Text?

17 A I might have spoken on the phone.

18 Q What's his phone number?

19 A [REDACTED]

20 Q He attended Unite the Right, right?

21 A I mean, yeah, you've got the picture of  
22 him right behind me.

23 Q So is the answer yes?

24 A Yes.

25 Q Jason Augustus, when's the last time you

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2 spoke to him?

3 A Over a year.

4 Q What's his phone number?

5 A He didn't have one last time.

6 Q Do you have a phone number for him in  
7 your phone?

8 A I don't know. [REDACTED].  
9 Should I just keep this out?

10 Q I think you're good.

11 Who is Augustus Sol Invictus?

12 A He's a former Libertarian candidate for  
13 Senate.

14 Q Is he a different person from Jason  
15 Augustus?

16 A Yes. Both Roman pagans, though, so  
17 there's that.

18 Q What's Tony Hovater's number?

19 A You told me to put my phone away.

20 Q Sorry. One more.

21 A [REDACTED]  
22 Now can I put it away?

23 Q Maybe one more.

24 Are you familiar with Allison Denver?

25 A No.

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2 Q Did TWP have a website?

3 A Yes, tradworker.org.

4 Q And when was that created?

5 A 2015, I guess.

6 Q And who created it?

7 A Matt Parrott.

8 Q Who updated it and monitored it?

9 A Matt Parrott.

10 Q Do you agree that there's content posted  
11 on that website that concerned Unite the Right?

12 A I assume so.

13 Q Do you know?

14 A Not off the top of my head.

15 Q As the chairman of Traditionalist Worker  
16 Party, you don't know if there was anything posted to  
17 the Traditionalist Worker Party website that  
18 concerned Charlottesville?

19 A I don't recall it.

20 Q Did you ever look at the website?

21 A Well, it's been down for over a year, so  
22 it's kind of hard to refresh the old neurons.

23 Q My question was: Did you ever look at  
24 the website?

25 A I have, indeed, viewed the website

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2 before.

3 Q And is there content on there -- was  
4 there ever content on there that concerned Unite the  
5 Right?

6 A I don't recall.

7 Q Didn't you post content to the website?

8 A Yes.

9 Q Wasn't there a section on Traditionalist  
10 Worker Party website, tradworker.org, that was  
11 explicitly devoted to Unite the Right rally?

12 A I can't recall.

13 (Heimbach Deposition Exhibit No. 27  
14 was marked for the record.)

15 BY MR. BLOCH:

16 Q I'm showing you Exhibit 27.

17 A Uh-huh.

18 Q This is a shot of Discord that includes  
19 posts by you, right?

20 A It looks like.

21 Q And on July 29, 2017, at 2:47 p.m., did  
22 you write on Discord: And so everyone knows, please  
23 sign up at www.tradworker.org/Cville?

24 A It looks like.

25 Q Did you write that?

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2 A Yes.

3 Q And what is Cville?

4 A Charlottesville.

5 Q And by Charlottesville, that means Unite  
6 the Right rally, right?

7 A That would be accurate.

8 Q And you agree with me that there was a  
9 section on the website devoted explicitly to Unite  
10 the Right rally?

11 A I suppose so.

12 Q And what was posted in that section of  
13 the website?

14 A I can't recall.

15 Q Were there instructions?

16 A I can't recall.

17 Q Was there a schedule?

18 A I can't recall.

19 Q Were there logistics?

20 A I can't recall.

21 Q Was there a code of conduct?

22 A I can't recall.

23 Q Is it possible that there was a code of  
24 conduct posted in the Charlottesville section of the  
25 tradworker.org website?

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2 A Matt Parrott would know.

3 Q My question is: Is it possible there's a  
4 code of conduct posted on the Cville section of  
5 tradworker.org?

6 A I don't know.

7 Q Do you have any recollection of any kind  
8 of content on the Cville section of the  
9 tradworker.org website that concerned Cville?

10 A No.

11 Q By that, I mean Charlottesville.

12 We need an answer for the record.

13 A Oh. I said no.

14 Q Is that website still active?

15 A I don't believe so.

16 Q Do you know whether it is or isn't?

17 A To the best of my knowledge, it isn't.

18 Q And when did it become inactive?

19 A I don't know.

20 Q What makes you think it's not active?

21 A Based on conversations with Matt Parrott.

22 Q And what conversations?

23 A Over the past year.

24 Q What did Matt Parrott tell you about the  
25 website?

<p style="text-align: right;">Page 202</p> <p>1 M. HEIMBACH</p> <p>2 A He had fully archived all of the data to</p> <p>3 be able to present it to Plaintiffs, and it was</p> <p>4 currently taking a nap.</p> <p>5 Q It was what?</p> <p>6 A Taking a nap.</p> <p>7 Q What does that mean?</p> <p>8 A Well, the site was down.</p> <p>9 Q Why is it down?</p> <p>10 A Because the Traditionalist Worker Party</p> <p>11 isn't an active organization at this moment, due to</p> <p>12 ongoing litigation, among other things.</p> <p>13 Q So it's your understanding that Matt</p> <p>14 Parrott has preserved the content on tradworker.org?</p> <p>15 A To the best of my knowledge.</p> <p>16 Q Because he told you that?</p> <p>17 A Yes, and he told you guys that.</p> <p>18 Q I'm sorry?</p> <p>19 A Well, and he's told you guys that.</p> <p>20 Q Oh, it's your understanding that Matt</p> <p>21 Parrott told us that?</p> <p>22 A I believe through Mr. Kolenich, yes.</p> <p>23 Q Mr. Kolenich told you that?</p> <p>24 A No.</p> <p>25 Q Who told you that?</p>	<p style="text-align: right;">Page 203</p> <p>1 M. HEIMBACH</p> <p>2 A Matt Parrott.</p> <p>3 Q When?</p> <p>4 A I can't recall specifics.</p> <p>5 (Heimbach Deposition Exhibit No. 28</p> <p>6 was marked for the record.)</p> <p>7 BY MR. BLOCH:</p> <p>8 Q I'm showing you Exhibit 54 -- I'm sorry.</p> <p>9 Withdrawn.</p> <p>10 I'm showing you Exhibit 28, Mr. Heimbach.</p> <p>11 Do you see that?</p> <p>12 A Yup.</p> <p>13 Q Do you recognize that?</p> <p>14 A It looks like it was on the TradWorker</p> <p>15 website.</p> <p>16 Q And it discusses different levels of</p> <p>17 membership within TWP, right?</p> <p>18 A It looks like.</p> <p>19 Q Well, were there different levels of</p> <p>20 membership within TWP?</p> <p>21 A Well, you had to know the secret</p> <p>22 handshake to get in the cool kids' club.</p> <p>23 Q Is that a joke?</p> <p>24 A Yes.</p> <p>25 Q Were there different levels of membership</p>
<p style="text-align: right;">Page 204</p> <p>1 M. HEIMBACH</p> <p>2 within TWP?</p> <p>3 A Yes. People become a supporter or a</p> <p>4 member.</p> <p>5 Q And if one was a supporter, what --</p> <p>6 withdrawn.</p> <p>7 What sort of access would a supporter</p> <p>8 get?</p> <p>9 A Essentially, they could donate to support</p> <p>10 our work. That's about it, to my understanding.</p> <p>11 Q Could they also comment on articles on</p> <p>12 the website?</p> <p>13 A Well, anyone could, I believe.</p> <p>14 Q Well, didn't you have to sign up to</p> <p>15 comment on the articles?</p> <p>16 A I don't recall.</p> <p>17 Q You don't -- as the chairman of the</p> <p>18 Traditionist Worker Party, you don't know how one</p> <p>19 becomes a supporter of the Traditionist Worker Party?</p> <p>20 A How we moderated comments on our website?</p> <p>21 No, that would be a Matt Parrott question.</p> <p>22 Q Do you understand how one signs up to</p> <p>23 become a supporter?</p> <p>24 A That would be a Matt Parrott question.</p> <p>25 Q You don't have any idea?</p>	<p style="text-align: right;">Page 205</p> <p>1 M. HEIMBACH</p> <p>2 A I don't recall.</p> <p>3 Q According to this code of conduct,</p> <p>4 signing up allowed you to comment on articles, right?</p> <p>5 A It looks like.</p> <p>6 Q Was that true?</p> <p>7 A That would be a Matt Parrott question. I</p> <p>8 don't recall. I didn't manage anything involving the</p> <p>9 website.</p> <p>10 Q And as a supporter, you could participate</p> <p>11 in the open section of the party forum, right?</p> <p>12 A Yes.</p> <p>13 Q And what was the open section of the</p> <p>14 party forum?</p> <p>15 A To the best of my knowledge, it never was</p> <p>16 actually finished.</p> <p>17 Q What was the open section of the party</p> <p>18 forum?</p> <p>19 A To the best of my knowledge, it was never</p> <p>20 finished.</p> <p>21 Q What was it?</p> <p>22 A Matt Parrott was developing a party forum</p> <p>23 that I don't believe ever got finished.</p> <p>24 Q And you also -- this document also</p> <p>25 references an e-mail list, right?</p>

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2 A Uh-huh.

3 Q What's the e-mail list?

4 A I don't know. That would be a Matt  
5 Parrott question.

6 Q As the chairman of the party, you don't  
7 know what the e-mail list is?

8 A Delegation is very important when it  
9 comes to leadership. I'm a Luddite, I don't do  
10 technology, so, no, that would fall under Matt  
11 Parrott's wheelhouse.

12 Q Don't you speak regularly to Matt  
13 Parrott?

14 A Yes.

15 Q Haven't you spoken regularly to Matt  
16 Parrott since 2015?

17 A Yes.

18 Q And you don't know, as you sit here  
19 today, what the e-mail list for the Traditionalist  
20 Worker Party is?

21 A No, because I never managed it.

22 Q Did you write e-mails to supporters on  
23 the e-mail list?

24 A I wrote e-mails that went out, yes.

25 Q And where did you write them?

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2 A Google Docs, I believe.

3 Q And on what computer?

4 A My laptop.

5 Q And where is that laptop?

6 A In the tub, but all -- to the best of my  
7 knowledge, all of the e-mails and correspondence has  
8 been preserved.

9 Q So your -- just to be clear, when you say  
10 it's in the tub, you mean the laptop that you used to  
11 write e-mails to the Traditionalist Worker Party is  
12 in -- is gone, right?

13 A Yes, but my gmail account, where the docs  
14 would have been hosted, is still active. And you  
15 guys have been provided the log-in credentials for  
16 that.

17 Q You could also be a member, right, of the  
18 Traditionalist Worker Party?

19 A Yes.

20 Q And how does one become a member?

21 A You sign up.

22 Q And how do you sign up?

23 A Through the on-line portal.

24 Q And if you become a member, you get  
25 member's only access to official regional and local

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2 forums for networking in real world activism, right?

3 A That sounds about right.

4 Q Is that right?

5 A Yeah.

6 Q And what are those forums?

7 A Well, the forum was never created, to the  
8 best of my knowledge.

9 Q Where do you get that knowledge?

10 A By the fact that Matt Parrott was working  
11 on it for an extended period of time and it didn't  
12 get rolled out. That's out of my expertise.

13 Q When did Matt Parrott tell you that?

14 A I can't recall.

15 Q Where did you get that understanding?  
16 From Matt Parrott?

17 A Yes.

18 (Heimbach Deposition Exhibit No. 29  
19 was marked for the record.)

20 BY MR. BLOCH:

21 Q I'm showing you Exhibit 29.

22 Are those Discord posts by you?

23 A Yeah, it looks like.

24 Q And -- what did you find funny about  
25 this?

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2 A Oh, the monkey at the switchboard.  
3 That's funny.

4 Q Did you write, on September 1st, 2017:  
5 So our tech guys have built us a dashboard, private  
6 forum (which we will use instead of here due to  
7 Discord shutting down WN chats)?

8 A Yes.

9 Q And then you write: We will pay dues  
10 monthly, quarterly, et cetera in bit coin.

11 Right?

12 A Uh-huh.

13 Q Is that right? Is that yes?

14 A Yes?

15 Q And then you wrote: And each member's  
16 profile on the forum will show if they are up to date  
17 as dues as a friendly reminder.

18 A Yup.

19 Q Do you agree that you had knowledge as to  
20 what was going on with the private forums?

21 A Well, it was never rolled out.

22 Q That's not my question, Mr. Heimbach.

23 A Well, it never existed, so --

24 Q Mr. Heimbach.

25 A Yes.

<p style="text-align: right;">Page 210</p> <p>1 M. HEIMBACH</p> <p>2 Q What was my question?</p> <p>3 A Your question was, was I aware of forums</p> <p>4 that never materialized.</p> <p>5 Q Do you have -- did you have awareness as</p> <p>6 to the private forums?</p> <p>7 A Well, again, they never existed, so.</p> <p>8 Q So --</p> <p>9 A The project was never completed for use,</p> <p>10 which is why we were still using Discord six months</p> <p>11 later, after these posts.</p> <p>12 Q So why didn't the forums materialize?</p> <p>13 A It's a lot of work. We only had one guy</p> <p>14 that knows how to code.</p> <p>15 Q Didn't you say our tech guys, plural,</p> <p>16 have built us a dashboard private forum?</p> <p>17 A Uh-huh.</p> <p>18 Q And when you wrote that, did you mean</p> <p>19 that our tech guys had built a dashboard private</p> <p>20 forum?</p> <p>21 A Well, it hadn't been completed yet. I</p> <p>22 kept getting promised that it was only a week away.</p> <p>23 It was never just a week away. It was very</p> <p>24 frustrating.</p> <p>25 Q So when you said that they had built,</p>	<p style="text-align: right;">Page 211</p> <p>1 M. HEIMBACH</p> <p>2 past tense, a dashboard private forum, was that true?</p> <p>3 A Well, it hadn't been finished.</p> <p>4 (Heimbach Deposition Exhibit No. 30</p> <p>5 was marked for the record.)</p> <p>6 BY MR. BLOCH:</p> <p>7 Q Mr. Heimbach, I'm showing you Exhibit 30.</p> <p>8 Are those Discord posts?</p> <p>9 A They are.</p> <p>10 Q And at the top, there's a post from</p> <p>11 Odalman, right?</p> <p>12 A Uh-huh.</p> <p>13 Q And Odalman says at -- on December 24th,</p> <p>14 2017: Hey, Matt. Do you have any idea how the TWP</p> <p>15 chat and forums are coming along.</p> <p>16 Right?</p> <p>17 A Uh-huh.</p> <p>18 Q And you wrote, about eight seconds later:</p> <p>19 Basically done, actually.</p> <p>20 Right?</p> <p>21 A Yes.</p> <p>22 Q Did you write that?</p> <p>23 A I did.</p> <p>24 Q And did you write that because the TWP</p> <p>25 chat and forums were, quote, basically done?</p>
<p style="text-align: right;">Page 212</p> <p>1 M. HEIMBACH</p> <p>2 A They weren't actually basically done,</p> <p>3 basically.</p> <p>4 Q So are you saying that when you wrote</p> <p>5 that, it wasn't true?</p> <p>6 A Well, no, to the best of my knowledge, it</p> <p>7 was true. But the project was not completed at that</p> <p>8 time.</p> <p>9 Q So it's your testimony that the private</p> <p>10 forums -- there was never a message posted on any TWP</p> <p>11 private forum; is that right?</p> <p>12 A I don't know. The project was ongoing</p> <p>13 and, as you can see, from September to December, from</p> <p>14 it being, as I said -- that it was built, that it was</p> <p>15 still being built three months later.</p> <p>16 So I can't recall any specifics of beta</p> <p>17 testing or anything like that because that was out of</p> <p>18 my wheelhouse.</p> <p>19 Q But you're testifying that there was</p> <p>20 never a public or private forum at which people could</p> <p>21 post messages on the TWP website?</p> <p>22 A I don't know.</p> <p>23 Q You don't know the answer to that?</p> <p>24 A No.</p> <p>25 Q Well, this was a year and a half ago,</p>	<p style="text-align: right;">Page 213</p> <p>1 M. HEIMBACH</p> <p>2 right, that you wrote that? Right?</p> <p>3 A It sounds right.</p> <p>4 Q And you are the chairman of the</p> <p>5 Traditionalist Worker Party, right?</p> <p>6 A Uh-huh.</p> <p>7 Q And you don't know, as you sit here</p> <p>8 today, whether or not your party had a forum at which</p> <p>9 people could post messages?</p> <p>10 A Nope.</p> <p>11 Q Members also got a quarterly print</p> <p>12 publication called Action, right?</p> <p>13 A Yes.</p> <p>14 Q And who wrote Action?</p> <p>15 A I wrote most of the articles.</p> <p>16 Q And some of the articles concerned the</p> <p>17 Unite the Right rally, right?</p> <p>18 A I can't recall.</p> <p>19 Q How many did you write?</p> <p>20 A Articles overall?</p> <p>21 Q Action articles.</p> <p>22 A I don't recall.</p> <p>23 Q Well, it was quarterly, right?</p> <p>24 A Yeah.</p> <p>25 Q So between, say, mid 2017 and right now,</p>

<p style="text-align: right;">Page 214</p> <p>1 M. HEIMBACH</p> <p>2 how many did you write?</p> <p>3 A Well, it hasn't been published in over a</p> <p>4 year and a half. So --</p> <p>5 Q So, one?</p> <p>6 A I don't recall.</p> <p>7 Q Well, it hasn't -- let's do the math.</p> <p>8 It hasn't been published in a year and a</p> <p>9 half, right?</p> <p>10 A Right.</p> <p>11 Q And it came out quarterly, right?</p> <p>12 A Yes -- well, quarterly was more of a goal</p> <p>13 than a reality due to funding problems.</p> <p>14 Q I see. So it came out less than</p> <p>15 quarterly?</p> <p>16 A Yeah. Quarterly was the benchmark we</p> <p>17 were aiming for.</p> <p>18 Q Okay. So between mid 2017 and the end of</p> <p>19 2017, how many Action publications were written?</p> <p>20 A I think one.</p> <p>21 Q And did that concern the Unite the Right</p> <p>22 rally?</p> <p>23 A I don't recall.</p> <p>24 Q Where is that?</p> <p>25 A In terms of the papers?</p>	<p style="text-align: right;">Page 215</p> <p>1 M. HEIMBACH</p> <p>2 Q Yeah.</p> <p>3 A I mean, I guess in members' homes, trash</p> <p>4 bins.</p> <p>5 Q Where did you write that paper?</p> <p>6 A I wrote my articles on Google Docs, which</p> <p>7 I believe I've shared my articles with you guys.</p> <p>8 Q You believe you've shared all of the</p> <p>9 Action publications that you've ever written?</p> <p>10 A To the best of my knowledge.</p> <p>11 Q How did Action get printed?</p> <p>12 A The local print shop.</p> <p>13 Q And was the printer also a nationalist?</p> <p>14 A No. Not initially, at least. In terms</p> <p>15 of the first edition, maybe -- I don't recall.</p> <p>16 Q Who was the first printer of the first</p> <p>17 edition?</p> <p>18 A The Copy Trolley in Paoli, Indiana.</p> <p>19 Q And at some point was there a nationalist</p> <p>20 who printed out Action for you?</p> <p>21 A I don't recall.</p> <p>22 (Heimbach Deposition Exhibit No. 31</p> <p>23 was marked for the record.)</p> <p>24 BY MR. BLOCH:</p> <p>25 Q I'm showing you Exhibit 31.</p>
<p style="text-align: right;">Page 216</p> <p>1 M. HEIMBACH</p> <p>2 Are those Discord posts?</p> <p>3 A It looks like.</p> <p>4 Q Did you write, on June 25th, 2017: It</p> <p>5 was coming out quarterly due to costs, but we found a</p> <p>6 printer who is a nationalist who will give it to us</p> <p>7 at cost, which is huge?</p> <p>8 A Uh-huh, looks like.</p> <p>9 Q Is that because you found a printer who</p> <p>10 was a nationalist?</p> <p>11 A I don't recall.</p> <p>12 Q Well, why else would you have written</p> <p>13 that?</p> <p>14 A I don't recall.</p> <p>15 Q Who was the printer?</p> <p>16 A I don't recall.</p> <p>17 Q Where would you look that up?</p> <p>18 A I don't recall.</p> <p>19 Q So you had a printer who printed out one</p> <p>20 version of your quarterly publication that you wrote</p> <p>21 and you don't know who that is?</p> <p>22 A Uh-uh. No.</p> <p>23 Q How did you get the publication to the</p> <p>24 printer?</p> <p>25 A That's a good question. I don't recall.</p>	<p style="text-align: right;">Page 217</p> <p>1 M. HEIMBACH</p> <p>2 Q Discussing TWP's e-mail system, you</p> <p>3 referred to a ticket system.</p> <p>4 A Uh-huh.</p> <p>5 Q Is the e-mail system the same thing as</p> <p>6 the ticket system?</p> <p>7 A I believe so.</p> <p>8 Q There were e-mail addresses with the</p> <p>9 domain @tradworker.com, right?</p> <p>10 A Yes.</p> <p>11 Q And you had one, right?</p> <p>12 A I believe so, yeah.</p> <p>13 Q And what was your e-mail address at</p> <p>14 tradworker.com?</p> <p>15 A I don't know.</p> <p>16 Q Well, how would you figure that out?</p> <p>17 A Matt Parrott would know. He set them all</p> <p>18 up.</p> <p>19 Q You had an e-mail address at</p> <p>20 tradworker.com and you don't know what it was?</p> <p>21 A Uh-uh.</p> <p>22 Q Would it be on that slip of paper next to</p> <p>23 your computer?</p> <p>24 A No.</p> <p>25 Q Why not?</p>

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1 M. HEIMBACH

2 A Well, because Matt Parrott set it all up.

3 He had all the information.

4 Q Didn't you have to log-in to it to use  
5 it?

6 A Once you're logged in once.

7 Q Matt Parrott also had an @tradworker.com  
8 address, right?

9 A I assume so.

10 Q Well, do you know?

11 A I assume so.

12 Q Did you ever receive an e-mail from Matt  
13 Parrott on a tradworker.com e-mail address?

14 A I don't recall. I mean, you guys should  
15 have it all, so -- I don't recall.

16 Q When you say we should have it all, it's  
17 because you believe, based on some conversation with  
18 somebody, that somebody else might get that to us; is  
19 that your testimony?

20 A Yes.

21 Q You have not provided us access to your  
22 tradworker.com e-mail address, right?

23 A I don't have it.

24 Q My question is: You have not in any way  
25 provided us access to your @tradworker.com e-mail

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1 M. HEIMBACH

2 address, right?

3 A Well, no, because I don't have it. But  
4 Matt Parrott does.

5 Q Have you taken any steps to figure out  
6 what your @tradworker.com e-mail address is?

7 A I was simply assured that all the data  
8 was actively preserved. So --

9 Q So my question is: Have you taken any  
10 steps to figure out what your @tradworker.com e-mail  
11 address was?

12 A Well, no, because you're going to be  
13 given it anyway with all the other information that's  
14 being provided by Matt Parrott, who had access to it  
15 and set up the accounts.

16 Q Do you understand that you have a  
17 discovery obligation that is separate from Matthew  
18 Parrott's?

19 A The information is being provided.

20 Q Mr. Heimbach, listen to my question.

21 Do you understand that you have an  
22 obligation in discovery that is separate from  
23 Mr. Parrott's obligation in discovery?

24 A My understanding was the information is  
25 going to be provided. I had no access to it.

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1 M. HEIMBACH

2 Q Do you understand that you have an  
3 obligation to provide us with responsive content that  
4 is in your possession, custody and control? Do you  
5 understand that?

6 A Yes, but it is neither of those things or  
7 all three of those things.

8 Q Do you understand that -- well, did you  
9 have a conversation with Matt Parrott about what he's  
10 going to produce in discovery?

11 A Just all of the back end information  
12 from --

13 Q Mr. Heimbach.

14 A Yes.

15 Q Listen to my question.

16 A The answer is, yes.

17 Q Okay. When was that?

18 A Sometime in the last year.  
19 (Heimbach Deposition Exhibit No. 32  
20 was marked for the record.)

21 BY MR. BLOCH:

22 Q I'm showing you Exhibit 32.  
23 Do you recognize that?

24 A I wrote it, yeah.

25 Q And what is it?

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1 M. HEIMBACH

2 A It's a memo to call people to come to the  
3 event on August 12th.

4 Q And the event, you mean Unite the Right,  
5 right?

6 A Yes.

7 Q Was this a press release you put out  
8 about Unite the Right?

9 A I don't recall exactly. I think it went  
10 out to party supporters.

11 Q And how did that go out?

12 A Through Matthew Parrott.

13 Q How did Matthew Parrott send that out?

14 A I don't know.

15 Q How do you know it went out through  
16 Matthew Parrott?

17 A Well, because if it went out at all, it  
18 went out through Matthew Parrott.

19 Q Well, did it go out at all?

20 A I don't know.

21 Q So you, as the chairman of TWP, you just  
22 write press releases and have no idea whether or not  
23 they actually go out?

24 A I assume my team does their job.

25 Q But you don't follow up?

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1 M. HEIMBACH  
2 A There's lots of responsibilities.  
3 Q Is the answer to my question, yes?  
4 A I don't know specifically if this one  
5 went out, but I have a strong belief that it did.  
6 Q And at the bottom, there is an e-mail  
7 address, right?  
8 A Yes.  
9 Q And that's contact@tradworker.org, right?  
10 A That'd be right.  
11 Q And was that your e-mail address?  
12 A No.  
13 Q What was that?  
14 A That was the general mail filter that  
15 things went through.  
16 Q And why did you list that e-mail address  
17 on that?  
18 A Because I wasn't actively responding to  
19 e-mails. I was doing other things.  
20 Q Who gets those e-mails?  
21 A Matt Parrott.  
22 Q You have -- withdrawn. At the time,  
23 you -- withdrawn.  
24 At the time of the Unite the Right event,  
25 you also had access to contact@tradworker.org, right?

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1 M. HEIMBACH  
2 Q I see. And you didn't log in yourself?  
3 A No.  
4 Q You needed Matt Parrott to log you into  
5 your e-mail address as the --  
6 A Well, he created all the accounts.  
7 Q So the answer to my question is you  
8 needed Matt Parrott to help you log in to your  
9 computer?  
10 A To get into the account that he set up,  
11 yes, that would be accurate.  
12 Q And when you read the e-mails, did you  
13 read them on your computer?  
14 A Yes, when I read them.  
15 Q And were the e-mails downloaded to your  
16 computer?  
17 A I don't know why they'd be downloaded.  
18 Q Well, did they exist on a -- well,  
19 withdrawn. We'll get into that.  
20 You agree that you communicated on the  
21 TradWorker e-mail account about the events at issue  
22 in this case, right?  
23 A I believe so.  
24 Q And you communicated over the ticket  
25 e-mail account about how people ought to conduct

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1 M. HEIMBACH  
2 A I can't recall.  
3 Q You can't recall whether, as the chairman  
4 of Traditionalist Worker Party, you had access to the  
5 e-mail account that members and supporters could  
6 write to?  
7 A That's why we had a team. I didn't  
8 handle that.  
9 Q You don't know whether you had access to  
10 the contact@tradworker.com?  
11 A No.  
12 Q .org.  
13 Do you agree with me that you did  
14 communicate over the tradworker e-mail account?  
15 A I believe so.  
16 Q Is the answer, yes?  
17 A To the best of my knowledge.  
18 Q When you used the ticket e-mail system,  
19 were the e-mails -- how did you get into it,  
20 yourself?  
21 A Matt Parrott logged me in on my laptop,  
22 and then --  
23 Q I'm sorry?  
24 A You go to the -- to the website and I  
25 bookmarked it, and I just click it.

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1 M. HEIMBACH  
2 themselves at Unite the Right, right?  
3 A I can't recall the specifics.  
4 Q Do you recall anything you actually said  
5 over the TradWorker ticket e-mail account?  
6 A No.  
7 (Heimbach Deposition Exhibit No. 33  
8 was marked for the record.)  
9 BY MR. BLOCH:  
10 Q I'm showing you Exhibit 33. This -- is  
11 this a printout of the TradWorker ticket e-mail  
12 system?  
13 A It looks like.  
14 Q And there is a request from a reporter to  
15 talk about a lawsuit brought by two women who were  
16 injured at the Unite the Right rally?  
17 A Sure.  
18 Q Isn't that true?  
19 A It looks like.  
20 Q And Allison Denver, the TWP admin  
21 secretary, says, I'll forward your inquiry, right?  
22 A Yes.  
23 Q And the next post is: Media inquiries  
24 forwarded to Heimbach's e-mail as per his request.  
25 Right?

<p style="text-align: right;">Page 226</p> <p>1 M. HEIMBACH</p> <p>2 A Yes.</p> <p>3 Q Did you request that media inquiries get</p> <p>4 forwarded to your e-mail?</p> <p>5 A I don't recall.</p> <p>6 Q Who is Allison Denver?</p> <p>7 A An activist.</p> <p>8 Q Who is she?</p> <p>9 A I don't recall.</p> <p>10 Q Have you ever talked to her?</p> <p>11 A I don't know. I don't recall.</p> <p>12 Q Have you ever gotten an e-mail from her?</p> <p>13 A I don't recall. You guys would have the</p> <p>14 records better than me.</p> <p>15 Q When -- well, we don't have -- when you</p> <p>16 say that Mr. Heimbach, you agree that we don't</p> <p>17 actually have any records from you at all, right?</p> <p>18 A Well, in terms of this, I mean, that</p> <p>19 falls into Mr. Parrott's wheelhouse.</p> <p>20 Q But my question is: We don't have any</p> <p>21 documents from you, right?</p> <p>22 A Yes -- well, I mean, you guys have a lot</p> <p>23 of documents from me. We just looked at one that I</p> <p>24 sent you.</p> <p>25 Q Is it your testimony that you sent us</p>	<p style="text-align: right;">Page 227</p> <p>1 M. HEIMBACH</p> <p>2 Exhibit 32?</p> <p>3 A I did.</p> <p>4 Q When did you send that to us?</p> <p>5 A I mean, I can look. It's in our e-mail</p> <p>6 conversation between you and I.</p> <p>7 Q Oh, you think you e-mailed it to me?</p> <p>8 A I believe so. Along with, like, hundreds</p> <p>9 of pages of writings.</p> <p>10 Q Okay.</p> <p>11 A Did that not happen?</p> <p>12 Q Well, it's your testimony that you sent</p> <p>13 us that document, 32?</p> <p>14 A To the best of my knowledge. We can look</p> <p>15 it up right now, if you'd like.</p> <p>16 Q Okay. We'll do that at a break.</p> <p>17 A Okay. Yeah, I mean, I even gave you guys</p> <p>18 my 200 pages book in progress. Like, you guys got a</p> <p>19 lot of paperwork from me.</p> <p>20 Q Did TWP have its own server that hosted</p> <p>21 the tradworker.com e-mails?</p> <p>22 A I have no idea.</p> <p>23 Q You have no idea?</p> <p>24 A Nope.</p> <p>25 Q Did you ever have any idea?</p>
<p style="text-align: right;">Page 228</p> <p>1 M. HEIMBACH</p> <p>2 A Not about this stuff. But if you want to</p> <p>3 talk about German agrarian policy in the mid 1930s, I</p> <p>4 can help you.</p> <p>5 Q So you don't know whether there was a</p> <p>6 server that related to tradworker.com documents?</p> <p>7 A I can't recall.</p> <p>8 Q And you don't know where that -- you</p> <p>9 don't know whether it's a physical server or an</p> <p>10 on-line server, right?</p> <p>11 A No.</p> <p>12 Q You're sure about that, right?</p> <p>13 A To the best of my knowledge. All the</p> <p>14 server stuff would have gone through Matt Parrott.</p> <p>15 Q And you didn't have any information about</p> <p>16 that?</p> <p>17 A It's not my wheelhouse.</p> <p>18 Q My question is: You didn't have any</p> <p>19 information about the server?</p> <p>20 A I don't recall anything.</p> <p>21 (Heimbach Deposition Exhibit No. 34</p> <p>22 was marked for the record.)</p> <p>23 BY MR. BLOCH:</p> <p>24 Q I'm showing you Exhibit No. 34.</p> <p>25 Are these Discord posts?</p>	<p style="text-align: right;">Page 229</p> <p>1 M. HEIMBACH</p> <p>2 A It looks like.</p> <p>3 Q And did you post on February 4th, 2018:</p> <p>4 Quote, We literally encourage everyone who wants to,</p> <p>5 to sign up under whatever name they want?</p> <p>6 A Yes.</p> <p>7 Q And then you posted: We pay dues in</p> <p>8 secure crypto currency?</p> <p>9 A Yes.</p> <p>10 Q And then you posted on Discord, on</p> <p>11 February 4th, 2018: Our server is literally under</p> <p>12 armed guard by TWP comrades in a secure location.</p> <p>13 And the next post says: And we've</p> <p>14 explained that to them.</p> <p>15 Did you post that on February 4th, 2018</p> <p>16 on Discord?</p> <p>17 A I guess, yeah.</p> <p>18 Q Did you?</p> <p>19 A I'm looking at it, so, yeah.</p> <p>20 Q So you agree with me that you did</p> <p>21 actually have knowledge about the TWP server?</p> <p>22 A Well, this has refreshed my memory. All</p> <p>23 the tech stop is in Matt Parrott's house. So that</p> <p>24 would be whatever that is.</p> <p>25 Q So the -- when you said a secure</p>

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1 M. HEIMBACH

2 location, where was that?

3 A Matt Parrott's house.

4 Q And when you said it's literally under  
5 armed guard by TWP comrades, who is that referring  
6 to?

7 A Matt Parrott is a Second Amendment  
8 supporter in Indiana. So --

9 Q So when you said armed guard, you meant  
10 Matt Parrott?

11 A Well, yeah.

12 Q Because he had guns?

13 A Yeah.

14 Q Where is that server now?

15 A I assume at Matt Parrott's.

16 Q Well, I don't want you to assume. I want  
17 to know if you know where that server is.

18 A I don't know.

19 Perhaps, in terms of the line of  
20 questioning, we should ask Mr. Kolenich, who is on  
21 the call, in regards to what discovery has been  
22 provided by his clients.

23 Q Mr. Heimbach, you understand this is your  
24 deposition, right?

25 A I understand.

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1 M. HEIMBACH

2 Q And you understand that this deposition  
3 concerns your discovery obligations, right?

4 A Right, but if --

5 Q Do you know where that server is?

6 A No. I assume Matt Parrott has it.

7 Q You didn't take any steps to preserve the  
8 server, I take it?

9 A Well, it was never in my possession, so  
10 no.

11 Q Did TWP have any presence on the dark  
12 web?

13 A In terms of what? Like Tor, like using  
14 Tor?

15 Q Were there -- did -- this is my question.  
16 Did TWP have any presence on the dark  
17 net?

18 A I don't recall.

19 Q Well, weren't you the chairman?

20 A Right.

21 Q You didn't know if there was a site on  
22 the dark net that TWP utilized?

23 A I don't recall.

24 Q Do you know if there was a site for which  
25 you needed to use a Tor browser?

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1 M. HEIMBACH

2 A I don't know.

3 Q Do you know what the dark web is?

4 A Yeah.

5 Q What is it?

6 A It's things like Tor that doesn't go  
7 through mainstream internet sources.

8 Q And why would one use the dark web?

9 A Certain individuals with a political ax  
10 to grind like getting service providers to remove  
11 people they don't agree with from the internet.

12 Q Is it to remain anonymous?

13 A It's to deal with deplatforming.

14 Q Is -- do you know if TWP had any presence  
15 on the dark net?

16 A I don't recall.

17 Q Did you check, in your -- withdrawn.

18 In your attempt to produce documents in  
19 this case, did you check whether you or TWP had any  
20 documents that were posted on the dark web?

21 A Well, considering I don't know how to  
22 utilize said things, if there were any, Matt Parrott  
23 would have created them.

24 Q So is the answer to my question, no?

25 A Yeah, because I don't even know where I'd

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1 M. HEIMBACH

2 start with that.

3 Q You don't know anything about the dark  
4 web?

5 A Nope.

6 Q You don't know anything about whether TWP  
7 had -- members were set up on the dark web?

8 A I don't recall.

9 (Heimbach Deposition Exhibit No. 35  
10 was marked for the record.)

11 BY MR. BLOCH:

12 Q I'm showing you Exhibit No. 35.

13 Are these posts by you on Discord?

14 A Looks like.

15 Q On September 1st, 2017, did you write:

16 Now we have our own stuff, which is totally immune?

17 A It looks like.

18 Q Do you know what that refers to?

19 A Matt Parrott's planned project for a  
20 forum and backup site, I suppose.

21 Q And then did you write at 1:53 at  
22 September 1st: And everyone is already set up on the  
23 dark web, even if they pulled our website?

24 A I guess I wrote that, yeah.

25 Q And did you also write, right below that:

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M. HEIMBACH

So at no point will we lose contact with one another. Just got to make sure that everyone has Tor.

A Sounds right. But I don't know anything in terms of the specifics. That would have been set up by someone other than myself.

Q Well, how did you know that everyone is, quote, already set up on the dark web?

A A verbal conversation with Matt Parrott.

Q You remember that?

A Based on this, I'm assuming that's what happened because I don't really know anything about technology.

Q I see. Well, what does it mean, everyone is already set up on the dark web?

A I don't know.

Q Well, you wrote it, didn't you?

A Based on a potential conversation I had with someone two years ago on something in terms of technology I don't particularly understand or have mastery of, yeah, I don't know any specifics.

Q So you were just repeating on Discord what you were told by Matt Parrott?

A That would be accurate.

Q Is it accurate to say that everything you

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know or everything you have said concerning Unite the Right has run through Matt Parrott?

A Essentially.

Q Have you ever spoken yourself, independent of Matt Parrott?

A When it comes to technology? No. To the best of my knowledge.

Again, that agrarian policy, though, I can speak for myself on that.

Q Were there documents that you created specifically for planning Unite the Right?

A Exhibit 32.

Q What else?

A I don't recall.

Q Can you name every document that you could think of that you created specifically for Unite the Right?

A No.

Q So sitting here today, you recall one document that you wrote for Unite the Right?

A Well, off the top of my head, yeah.

Q How many rallies have you attended?

A In this country or in general?

Q Since Unite the Right, in this country.

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A Two, I believe. Well, hold on. Two. No, three. Three.

Q And Unite the Right was the biggest, right?

A Yes.

Q Did people die at any of the other rallies?

A No.

Q Were you sued for your behavior in any other rallies?

A A Donald Trump rally I was at, which was unrelated to white nationalism.

Q And you were the chairman of Traditionist Worker Party, right?

A Yeah.

Q And sitting here today, you can only remember one document that you wrote about Unite the Right?

A Off the top of my head, yeah. (Heimbach Deposition Exhibit No. 36 was marked for the record.)

BY MR. BLOCH:

Q I'm going to show you Exhibit 36. Do you recognize that?

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A It looks like an e-mail.

Q Did you write it?

A I believe so.

Q But you're not sure?

A I believe I did.

THE WITNESS: Do you want to break again or --

MR. BLOCH: Can we finish this line?

BY MR. BLOCH:

Q In the fifth paragraph down, did you write: Our exact plans and meet-up points for Saturday for operational security will be released on Friday morning, 24 hours ahead of the event?

A It looks like.

Q What does that refer to?

A Where we were going to be meeting to convoy into the rally location.

Q And is that a document that describes your exact plans and meet-up points?

A I don't know if one of those was ever created.

Q Well, the content of the e-mail that you wrote is referring to a document that you believed

<p style="text-align: right;">Page 238</p> <p>1 M. HEIMBACH</p> <p>2 would be released; isn't that true?</p> <p>3 A Document or showing up in a parking lot</p> <p>4 of a Jo-Ann's Fabric, I mean, that's kind of two</p> <p>5 different things, I think.</p> <p>6 Q So when you wrote our exact plans and</p> <p>7 meet-up points will be released on Friday morning,</p> <p>8 you meant you wanted people to meet you in a parking</p> <p>9 lot of Jo-Ann's Fabric to tell them where to go?</p> <p>10 A Well, yeah.</p> <p>11 Q That's what you meant?</p> <p>12 A Yeah -- well, no, no. To where we were</p> <p>13 going in, is we rallied at the parking lot and then</p> <p>14 we convoyed in to go to the rally location.</p> <p>15 Q You agree with me that this doesn't say,</p> <p>16 Meet us in the parking lot of a Jo-Ann's and I'll</p> <p>17 tell you where to go, right?</p> <p>18 A Well, because we were going in to</p> <p>19 Charlottesville.</p> <p>20 Q Listen to my question.</p> <p>21 A Yes.</p> <p>22 Q Does it say that?</p> <p>23 A No.</p> <p>24 Q Okay. What it says is: Our exact plans</p> <p>25 and meet-up plans will be released.</p>	<p style="text-align: right;">Page 239</p> <p>1 M. HEIMBACH</p> <p>2 Right?</p> <p>3 A Right. Which was to meet up at a</p> <p>4 Jo-Ann's Fabric. So the plan would have been, show</p> <p>5 up at Jo-Ann's Fabric.</p> <p>6 Q Was there a document ever created that</p> <p>7 included our exact plans and meet-up points for</p> <p>8 Saturday for operational security?</p> <p>9 A I don't know.</p> <p>10 Q You don't know that?</p> <p>11 A Well, I mean, basically all this is</p> <p>12 saying we're not going to tell you to show up at</p> <p>13 Jo-Ann's Fabric until Friday, and then you know where</p> <p>14 to show up on Saturday.</p> <p>15 Q How were people to know to show up at</p> <p>16 Jo-Ann's Fabric?</p> <p>17 A I believe Matt Parrott sent an e-mail.</p> <p>18 Q Okay. And have you seen that e-mail?</p> <p>19 A No.</p> <p>20 MR. BLOCH: Okay. We can break.</p> <p>21 THE VIDEOGRAPHER: Stand by. This</p> <p>22 marks the end of Media Number Two in the</p> <p>23 deposition of Matthew Heimbach. The time</p> <p>24 would be 12:35 p m.</p> <p>25 (Brief pause.)</p>
<p style="text-align: right;">Page 240</p> <p>1 M. HEIMBACH</p> <p>2 THE VIDEOGRAPHER: We are now back</p> <p>3 on record in the deposition of Matthew</p> <p>4 Heimbach. The time is 12:45 p m.</p> <p>5 BY MR. BLOCH:</p> <p>6 Q Mr. Heimbach, we were talking about</p> <p>7 Exhibit 36.</p> <p>8 A Yes.</p> <p>9 Q Did you -- at the time of Unite the</p> <p>10 Right, did you send this document anywhere?</p> <p>11 A I believe Matt Parrott sent it.</p> <p>12 Q My question is: Did you send this</p> <p>13 document anywhere?</p> <p>14 A I believe I gave it to Matt Parrott.</p> <p>15 Q And in what form did you give this to</p> <p>16 Matt Parrott?</p> <p>17 A I don't recall.</p> <p>18 Q Did you walk over to his house and</p> <p>19 dictate it to him?</p> <p>20 A I think I probably shared it in Google</p> <p>21 Docs.</p> <p>22 Q So your belief is that you created this</p> <p>23 on Google Docs?</p> <p>24 A I believe so.</p> <p>25 Q Do you know that for sure?</p>	<p style="text-align: right;">Page 241</p> <p>1 M. HEIMBACH</p> <p>2 A I do not, not this exact second.</p> <p>3 Q Is it possible that you created this on</p> <p>4 Microsoft Word?</p> <p>5 A No, no. Who wants to pay for Word?</p> <p>6 Google Docs is free.</p> <p>7 Q Well --</p> <p>8 A No, if I wrote it on a computer, it's</p> <p>9 going to be on Google Docs.</p> <p>10 Q And you don't know if you wrote this,</p> <p>11 right?</p> <p>12 A No, I believe I did, after rereading it.</p> <p>13 It sounds like me.</p> <p>14 Q Well, other than it sounding like you,</p> <p>15 you don't actually have a recollection of actually</p> <p>16 drafting this?</p> <p>17 A Not off the top of my head, but I'm</p> <p>18 willing to say I wrote it.</p> <p>19 Q No, but let's be clear for the record.</p> <p>20 You don't have a recollection, as you sit</p> <p>21 here right now, of actually writing this document,</p> <p>22 right?</p> <p>23 A Not the exact day, but I believe I did.</p> <p>24 Q And do you see a part of this document</p> <p>25 where you say: Please add Cesar's e-mail,</p>

<p style="text-align: right;">Page 242</p> <p>1 M. HEIMBACH</p> <p>2 region2@tradwork.org --</p> <p>3 A Uh-huh.</p> <p>4 Q -- to your e-mail white list?</p> <p>5 A Yes.</p> <p>6 MR. BLOCH: Did somebody just join?</p> <p>7 MR. DINUCCI: It's John DiNucci. I</p> <p>8 got cut off before. I'm back.</p> <p>9 BY MR. BLOCH:</p> <p>10 Q Mr. Heimbach, who is Cesar that you're</p> <p>11 referring to in that letter?</p> <p>12 A Cesar Ortiz.</p> <p>13 Q And what's region2@tradwork.org?</p> <p>14 A I believe that was an e-mail address</p> <p>15 created by Matt Parrott for the ticket system.</p> <p>16 Q And was that Cesar's e-mail?</p> <p>17 A I assume so.</p> <p>18 Q You don't know though, right?</p> <p>19 A I can't recall.</p> <p>20 Q Even though you wrote Cesar's e-mail, you</p> <p>21 don't actually know if that's Cesar's e-mail, right?</p> <p>22 A I'm inferring that that was his e-mail.</p> <p>23 Q But you don't actually have a</p> <p>24 recollection as you sit here today that that was his</p> <p>25 e-mail?</p>	<p style="text-align: right;">Page 243</p> <p>1 M. HEIMBACH</p> <p>2 A No.</p> <p>3 Q And you don't have a recollection as sit</p> <p>4 here today whether there was a document that referred</p> <p>5 to your exact plans and meet-up points for</p> <p>6 operational security, right?</p> <p>7 A No.</p> <p>8 Q And you said in this document: Anyone</p> <p>9 volunteering to be a part of our medic team or</p> <p>10 security detail, please contact Cesar ASAP.</p> <p>11 Right?</p> <p>12 A Uh-huh.</p> <p>13 Q And what is the medic team?</p> <p>14 A Doctors and RNs who volunteered.</p> <p>15 Q And who was on the medic team?</p> <p>16 A I don't recall.</p> <p>17 Q Did you have a medic team?</p> <p>18 A Yes.</p> <p>19 Q And you don't know who was on it?</p> <p>20 A No.</p> <p>21 Q Did you ever talk to Cesar about who was</p> <p>22 on the medic team?</p> <p>23 A I don't recall having that conversation.</p> <p>24 Q What is the security detail?</p> <p>25 A People that were there for security.</p>
<p style="text-align: right;">Page 244</p> <p>1 M. HEIMBACH</p> <p>2 Q Who was on the security detail?</p> <p>3 A I don't recall.</p> <p>4 Q You don't recall who was on the security</p> <p>5 detail for the Traditionalist Worker Party for the</p> <p>6 Unite the Right event?</p> <p>7 A No.</p> <p>8 Q You can't recall a single name of a</p> <p>9 single person who was on the security detail for</p> <p>10 Traditionalist Worker Party?</p> <p>11 A Nope.</p> <p>12 Q How many people were on the security</p> <p>13 detail?</p> <p>14 A I don't recall.</p> <p>15 Q What did the security detail do?</p> <p>16 A Protect themselves against hoards of</p> <p>17 antifascists waving weapons.</p> <p>18 Q Were there -- well, did you actually see</p> <p>19 your security detail doing that?</p> <p>20 A I don't recall.</p> <p>21 Q Was there a document that discussed</p> <p>22 security at Unite the Right?</p> <p>23 A I don't recall.</p> <p>24 Q You don't recall whether there was a</p> <p>25 document discussing security at the Unite the Right?</p>	<p style="text-align: right;">Page 245</p> <p>1 M. HEIMBACH</p> <p>2 A Well, I -- that wasn't in my wheelhouse</p> <p>3 delegation.</p> <p>4 Q You wrote: There will be a series of</p> <p>5 chants given in rounds of threes that will be given</p> <p>6 to rally attendees prior to the event.</p> <p>7 A Yes.</p> <p>8 Q Was there a document that discussed those</p> <p>9 chants?</p> <p>10 A I don't believe we ever got around to</p> <p>11 one.</p> <p>12 Q Do you know?</p> <p>13 A I don't recall.</p> <p>14 Q You don't recall whether there was a</p> <p>15 document that said that?</p> <p>16 A No, I don't recall.</p> <p>17 Q Do you recall telling people what the</p> <p>18 chants would be?</p> <p>19 A I can recall one.</p> <p>20 Q Well, my question was: Do you recall</p> <p>21 telling people what the chants would be?</p> <p>22 A I can recall telling people one chant,</p> <p>23 yes.</p> <p>24 Q And where were you when you told people</p> <p>25 that?</p>

<p style="text-align: right;">Page 246</p> <p>1 M. HEIMBACH</p> <p>2 A Parking lot of Jo-Ann's Fabric.</p> <p>3 Q And when was that?</p> <p>4 A An hour before we arrived in</p> <p>5 Charlottesville.</p> <p>6 Q On?</p> <p>7 A The 12th.</p> <p>8 Q And what was the chant?</p> <p>9 A National socialism. Well national, beat,</p> <p>10 socialism.</p> <p>11 Q And that's the only chant you recall from</p> <p>12 Unite the Right?</p> <p>13 A Yes.</p> <p>14 Q Even though you said there will be a</p> <p>15 series of chants given in rounds of threes?</p> <p>16 A Yes.</p> <p>17 Q And you don't recall whether there's any</p> <p>18 documentation of those chants?</p> <p>19 A No.</p> <p>20 Q Was there an agenda for the weekend, at</p> <p>21 all?</p> <p>22 A There was supposed to be, but didn't</p> <p>23 really come together.</p> <p>24 Q And when you say there was supposed to</p> <p>25 be, what do you mean? There was discussion of</p>	<p style="text-align: right;">Page 247</p> <p>1 M. HEIMBACH</p> <p>2 putting together an agenda?</p> <p>3 A Well, in terms of we were supposed to go</p> <p>4 to the rally and then kind of figure it out from</p> <p>5 there.</p> <p>6 Q Did anybody discuss preparing a written</p> <p>7 agenda for the largest rally in Traditionalist Worker</p> <p>8 Party history?</p> <p>9 A I don't recall.</p> <p>10 Q And do you recall if there was a written</p> <p>11 agenda for the weekend?</p> <p>12 A I don't believe there was, but I don't</p> <p>13 recall.</p> <p>14 Q How many people from Traditionalist</p> <p>15 Worker Party went to the rally?</p> <p>16 A I don't recall.</p> <p>17 Q You don't recall how many members of your</p> <p>18 party that you were the chairman of attended the</p> <p>19 largest rally in Traditionalist Worker Party history?</p> <p>20 A As I say in the document, that there were</p> <p>21 people that were coming, they just wanted to be added</p> <p>22 to the e-mail list. So no, I can't recall.</p> <p>23 Q Would it be fair to say there were</p> <p>24 hundreds?</p> <p>25 A In terms of members, supporters, random</p>
<p style="text-align: right;">Page 248</p> <p>1 M. HEIMBACH</p> <p>2 people that decided they wanted to march with us, is</p> <p>3 that the kind of question? Just like the --</p> <p>4 Q I'm talking about people that you led to</p> <p>5 the Unite the Right rally on behalf of Traditionalist</p> <p>6 Worker Party, approximately how many people?</p> <p>7 A Somewhere perhaps in the triple digits.</p> <p>8 Q And you did not have any written document</p> <p>9 discussing where they should go?</p> <p>10 A Just to show up at Jo-Ann's Fabric.</p> <p>11 Q My question is: Is there a written</p> <p>12 document saying where people should go?</p> <p>13 A I don't believe so.</p> <p>14 Q Is there a written document saying what</p> <p>15 the schedule was throughout the weekend?</p> <p>16 A Not that I recall.</p> <p>17 Q Well, there were events scheduled for the</p> <p>18 Traditionalist Worker Party other than the Unite the</p> <p>19 Right rally on Saturday, August 12th, right?</p> <p>20 A I believe so.</p> <p>21 Q And there was no document telling people</p> <p>22 where they should go for that?</p> <p>23 A I don't think so.</p> <p>24 Q There was an event scheduled for after</p> <p>25 the Traditionalist Worker Party -- withdrawn.</p>	<p style="text-align: right;">Page 249</p> <p>1 M. HEIMBACH</p> <p>2 There was an event scheduled for after</p> <p>3 Unite the Right, right?</p> <p>4 A There was, yes.</p> <p>5 Q And what was that?</p> <p>6 A Just pizza.</p> <p>7 Q Where?</p> <p>8 A At a house we had rented outside of</p> <p>9 Charlottesville.</p> <p>10 Q And are you aware of any document that</p> <p>11 tells people where they should go for the event after</p> <p>12 Unite the Right?</p> <p>13 A No.</p> <p>14 Q Did people show up?</p> <p>15 A People who were staying there, friends.</p> <p>16 Q How many people showed up to that event?</p> <p>17 A Thirty or 40, maybe.</p> <p>18 Q Any idea how they knew how to get there?</p> <p>19 A No.</p> <p>20 Q Any idea how they knew where to go for</p> <p>21 that event?</p> <p>22 A Well, most of them were staying there.</p> <p>23 So --</p> <p>24 Q There were 30 to 40 people staying at a</p> <p>25 house?</p>

<p style="text-align: right;">Page 250</p> <p>1 M. HEIMBACH</p> <p>2 A Over -- around two dozen, I believe.</p> <p>3 Q Where was the house?</p> <p>4 A Outside of Charlottesville, in the hills.</p> <p>5 Q And was there any document, ever, that</p> <p>6 discussed staying -- where people would stay during</p> <p>7 Unite the Right, that you're aware of?</p> <p>8 A No.</p> <p>9 Q Do you think people just showed up at the</p> <p>10 same house by coincidence?</p> <p>11 A I don't recall how it was organized.</p> <p>12 Q Do you have any idea -- well, did you</p> <p>13 stay at that house?</p> <p>14 A Yes.</p> <p>15 Q And what was the address of that house?</p> <p>16 A I don't know.</p> <p>17 Q You don't know the address of the house?</p> <p>18 A I didn't rent it.</p> <p>19 Q Did you write it down anywhere?</p> <p>20 A Not that I recall.</p> <p>21 Q You understand that when I say document,</p> <p>22 I mean any written communication, right?</p> <p>23 A Yes.</p> <p>24 Q Including text messages, right?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 251</p> <p>1 M. HEIMBACH</p> <p>2 Q Including e-mails, right?</p> <p>3 A Yes.</p> <p>4 Q Including documents created on your</p> <p>5 Google Doc, right?</p> <p>6 A Sure.</p> <p>7 Q And was there any document that you</p> <p>8 wrote, anywhere, of the address where you would be</p> <p>9 staying during the Unite the Right rally?</p> <p>10 A I don't recall.</p> <p>11 Q Do you recall coordinating, in writing,</p> <p>12 in any way with the 30 to 40 people or so that were</p> <p>13 staying at that address during the Unite the Right</p> <p>14 rally?</p> <p>15 A I don't recall.</p> <p>16 Q Can you venture a guess as to how dozens</p> <p>17 of people showed up at the exact same house at the</p> <p>18 exact same time?</p> <p>19 A Someone else organized the booking, so --</p> <p>20 I believe.</p> <p>21 Q Do you -- what booking?</p> <p>22 A For the house.</p> <p>23 Q Who booked it?</p> <p>24 A I don't know.</p> <p>25 Q Do you believe you received any sort of</p>
<p style="text-align: right;">Page 252</p> <p>1 M. HEIMBACH</p> <p>2 document saying what house people were to go to?</p> <p>3 A I don't know.</p> <p>4 Q Do you recall receiving any sort of</p> <p>5 document saying where you should go to stay that</p> <p>6 weekend?</p> <p>7 A I wasn't driving. I don't really recall.</p> <p>8 Q My question is: Do you recall receiving</p> <p>9 any document saying where you were going to be</p> <p>10 staying that weekend?</p> <p>11 A I don't recall.</p> <p>12 Q Were you surprised, when you showed up at</p> <p>13 a house, that two dozen people showed up at the same</p> <p>14 house?</p> <p>15 A Not particularly.</p> <p>16 Q Why not?</p> <p>17 A When you put 15 people in a hotel room to</p> <p>18 go to an event, two dozen showing up is nothing.</p> <p>19 Q But, I mean, was it surprising to you</p> <p>20 that you all happened to come up with the same place</p> <p>21 to stay without any written coordination of any kind?</p> <p>22 A Well, I wasn't in charge of coordinating.</p> <p>23 Q Was the booking done through Airbnb?</p> <p>24 A I don't recall.</p> <p>25 Q What was the address?</p>	<p style="text-align: right;">Page 253</p> <p>1 M. HEIMBACH</p> <p>2 A I have no idea.</p> <p>3 Q How did you get there?</p> <p>4 A In a vehicle.</p> <p>5 Q Whose vehicle?</p> <p>6 A I believe it was a rental.</p> <p>7 Q Did you rent it?</p> <p>8 A I don't recall.</p> <p>9 Q Did you drive it?</p> <p>10 A At certain points.</p> <p>11 Q Who was in the vehicle?</p> <p>12 A Cesar Ortiz, Matt Parrott, maybe. I</p> <p>13 don't know.</p> <p>14 Q How did you get the car?</p> <p>15 A I don't recall.</p> <p>16 Q You don't recall -- how did you get in</p> <p>17 the car?</p> <p>18 A I don't recall.</p> <p>19 Q Who procured the car?</p> <p>20 A Like, I know you don't believe me, but I</p> <p>21 actually don't remember.</p> <p>22 Q You don't recall if you personally rented</p> <p>23 a car that weekend?</p> <p>24 A No. I've rented dozens of cars</p> <p>25 throughout my activism career and I can't recall.</p>

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2 Q Can you recall a single document  
3 coordinating any sort of planning of any kind that  
4 you have seen concerning the Unite the Right rally?

5 A No.

6 Q Where did Exhibit 36 come from?

7 A I believe I sent it to you.

8 Q Where did you find it?

9 A In my Google Docs.

10 Q How did you find it?

11 A I went back to 2017 and looked for all  
12 the documents that were there.

13 Q How many documents were there?

14 A Everything I sent you.

15 Q You sent me every single document in your  
16 Google Docs?

17 A Well, no. The ones that I thought were  
18 relevant and related to Unite the Right.

19 Q How did you decide what was relevant to  
20 Unite the Right?

21 A Well, if they mentioned Unite the Right.

22 Q And just to be clear, you think a Twitter  
23 post that talks about the Charlottesville prisoners  
24 of war -- meaning the people that were arrested at  
25 Charlottesville -- you, in your estimation, believe

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2 that does not concern Unite the Right, correct?

3 A Indeed.

4 Q Did you apply any search terms to your  
5 Google terms document?

6 A No.

7 Q Sorry. Did you apply any search terms to  
8 your Google Docs search?

9 A No.

10 Q You just looked at documents that you  
11 thought were relevant?

12 A In addition to giving a third-party  
13 vendor access the Google account in question to go  
14 over all of them.

15 Q How many Google docs are saved in there,  
16 total?

17 A I don't know.

18 Q Approximately?

19 A I don't know.

20 Q Is there fewer than a million?

21 A There are fewer than a million but more  
22 than two. Somewhere between two and a million.

23 Q So you have -- the best you can estimate  
24 is that there is somewhere between two and a million  
25 Google docs in your Google Doc drive?

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2 A A couple dozen.

3 Q So there's somewhere between two and a  
4 couple dozen documents?

5 A That would be accurate.

6 Q Do you have any document that shows any  
7 metadata associated with that e-mail?

8 A No.

9 Q So all we have to go on to understand  
10 that you created that document and disseminated it is  
11 your memory?

12 A Well, then when the third-party vendor  
13 gets to get into it and look at it to see its  
14 creation date and such. I trust them to do a good  
15 job.

16 Q Do you have any -- withdrawn -- other  
17 e-mails that you found that concern Unite the Right?

18 A Well, if I didn't send them to you. I  
19 didn't see any rough drafts or anything.

20 Q Okay. So that document, Exhibit 36, is  
21 the only document that you preserved concerning the  
22 Unite the Right rally?

23 A No, I have the other one. Is that 32,  
24 maybe? Thirty-two, along with the other documents I  
25 sent you. And all the e-mails that would have been

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2 on the ticket system that Matt Parrott has.

3 I sound like a broken record.

4 Q You sent me about, you say, 12 documents  
5 on July 7th?

6 A That sounds about right.

7 Q And just to be clear, you posted on  
8 Discord, that we know of, more than 4,000 times,  
9 right?

10 A Oh, that I posted?

11 Q Yes.

12 A That sounds about right.

13 Q And you've posted on approximately ten  
14 different social media accounts, right?

15 A I guess.

16 Q You've published a number of articles,  
17 right?

18 A Yes.

19 Q You've written in Action, a quarterly TWP  
20 publication, right?

21 A Uh-huh.

22 Q You had at least three e-mail accounts  
23 that may have responsive documents, correct?

24 A One that I have access to, yes.

25 Q And fair to say you are a prolific

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2 writer, right?

3 A I used to be.

4 Q And your search of your Google Docs  
5 system for responsive documents turned up about ten  
6 documents; is that fair to say?

7 A It's still like 300 pages, though.

8 Q Right. And when you say 300 pages, that  
9 also included a manuscript that you were writing  
10 called White Juche?

11 A Juche.

12 Q Juche?

13 A Yeah, you've gotta give welcome to North  
14 Korean stuff.

15 Q Okay.

16 A It's wild.

17 Q And that doesn't concern Charlottesville,  
18 right?

19 A It concerned in terms of your request on  
20 anything involving white separatism.

21 Q But you agree with me that your search  
22 for responsive documents, that you performed for the  
23 first time in the last month or two, turned up  
24 approximately ten documents, right?

25 A Well, unless you want to go back to

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2 reading all my ramblings that I've ever written that  
3 have nothing to do with Charlottesville. I mean, I'm  
4 sure I could dig up more articles.

5 Q Can you answer my question?

6 Do you agree with me that your search of  
7 your electronic devices turned up approximately ten  
8 documents that you believed were responsive to this  
9 case, right?

10 A That sounds about right.

11 Q There was a blog on the Traditionalist --  
12 withdrawn -- a blog on the TradWorker website, right?

13 A Yes.

14 Q Called the TradWorker Blog?

15 A Yes.

16 Q That blog included posts about the events  
17 in Charlottesville?

18 A I can't recall.

19 Q You posted articles to that blog, didn't  
20 you?

21 A I have, yes.

22 Q Did you take any steps to preserve  
23 anything that was posted on the TradWorker blog?

24 A No. I was informed by Matt Parrott that  
25 he had preserved all said information.

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2 Q When did Matt Parrott tell you that?

3 A Sometime over the past year.

4 Q And tell us specifically what Matt  
5 Parrott told you about preservation efforts.

6 A That he had preserved all of the data in  
7 relation to the website and the ticket system.

8 Q And did Matt Parrott tell you that  
9 because he preserved data that you didn't need to  
10 preserve -- withdrawn.

11 Did Matt Parrott tell you that, because  
12 he had preserved certain data, that you did not need  
13 to produce documents in this case?

14 A Well, I mean, how would I get them?

15 Q Did he tell you that?

16 A No.

17 Q Did you ask your attorney whether Matt  
18 Parrott's production of documents could satisfy your  
19 discovery obligations?

20 A I don't recall.

21 Q You don't recall whether you asked your  
22 attorney that?

23 A No.

24 Q You just assumed when Matt Parrott told  
25 you I've got the documents preserved, that you were

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1 M. HEIMBACH

2 off the hook?

3 A There would be no way for me to get them.  
4 So --

5 Q Did you take any steps to preserve  
6 anything on the TradWorker blog?

7 A Well, I didn't have any of the back end  
8 information, so I couldn't.

9 Q So the answer is, no?

10 A Well, because it's all been preserved  
11 anyway. So --

12 Q Is the answer to my question, no?

13 A The answer to the question is more of a I  
14 didn't have the ability to do that. So --

15 Q All right. Listen carefully to my  
16 question.

17 A Uh-huh.

18 Q Did you take any steps to preserve  
19 content from the TradWorker blog?

20 A No, because I would have no idea how to  
21 even start.

22 Q Traditionalist Worker Party also had an  
23 account on Gab, right?

24 A I guess.

25 Q Did they or didn't they?

<p style="text-align: right;">Page 262</p> <p>1 M. HEIMBACH</p> <p>2 A I don't recall.</p> <p>3 Q Were you the chairman of Traditionalist</p> <p>4 Worker Party?</p> <p>5 A Uh-huh.</p> <p>6 Q You don't know whether they had an</p> <p>7 account on Gab?</p> <p>8 A I don't recall.</p> <p>9 Q Did TWP have an account on Twitter?</p> <p>10 A I don't recall.</p> <p>11 Q You didn't talk to anybody about whether</p> <p>12 TWP had an account on Twitter?</p> <p>13 A Well, if they did, I wasn't managing it.</p> <p>14 Q Did you ever see a Twitter post from TWP?</p> <p>15 A I don't recall.</p> <p>16 Q You don't recall whether you have seen a</p> <p>17 Twitter post on behalf of TWP in the last two years?</p> <p>18 A Yeah, it would have been a long time ago.</p> <p>19 Q Who would know whether TWP had a Gab</p> <p>20 account?</p> <p>21 A Matt Parrott.</p> <p>22 Q Who would know that TWP had a Twitter</p> <p>23 account?</p> <p>24 A Matt Parrott.</p> <p>25 (Heimbach Deposition Exhibit No. 37</p>	<p style="text-align: right;">Page 263</p> <p>1 M. HEIMBACH</p> <p>2 was marked for the record.)</p> <p>3 BY MR. BLOCH:</p> <p>4 Q I'm showing you Exhibit 37.</p> <p>5 Do you recognize that?</p> <p>6 A I don't recognize it, per se, but it</p> <p>7 looks like a TradWorker affiliated Twitter account.</p> <p>8 Q And you don't think -- withdrawn.</p> <p>9 Matt Parrott would never discuss with</p> <p>10 you, the chairman of the party, what would be posted</p> <p>11 on any social media site?</p> <p>12 A I trusted people that managed social</p> <p>13 media to manage social media.</p> <p>14 Q Is the answer to my question, no, Matt</p> <p>15 Parrott never discussed with you any of the content</p> <p>16 posted on any TWP social media site?</p> <p>17 A I can't recall.</p> <p>18 Q Is this a Twitter post from August 19th,</p> <p>19 2017 that states: Note that Heimbach, Richard</p> <p>20 Spencer and the rest of Nationalist Rights stood</p> <p>21 their ground and led their men in Charlottesville?</p> <p>22 A Looks like it.</p> <p>23 Q You've never seen this before?</p> <p>24 A Not that I can recall.</p> <p>25 Q Did you have credentials to any TWP</p>
<p style="text-align: right;">Page 264</p> <p>1 M. HEIMBACH</p> <p>2 social media account?</p> <p>3 A Not that I can recall.</p> <p>4 Q You didn't have any credentials to the</p> <p>5 TWP Gab account?</p> <p>6 A Not that I can recall.</p> <p>7 Q You didn't have credentials to the TWP</p> <p>8 Twitter account?</p> <p>9 A Not that I can recall.</p> <p>10 Q Do you recall any social media account</p> <p>11 that TWP had?</p> <p>12 A The YouTube account.</p> <p>13 Q The one that we've already -- I've shown</p> <p>14 you a picture of?</p> <p>15 A Yes.</p> <p>16 Q Other than the one that -- other than the</p> <p>17 account that I showed you a picture of today, do you</p> <p>18 as the chairman of Traditionalist Worker Party recall</p> <p>19 any social media accounts that TWP had?</p> <p>20 A No.</p> <p>21 Q Do you recall a single post by TWP on any</p> <p>22 social media account?</p> <p>23 A Not that I can recall.</p> <p>24 Q Did TWP have a VK account?</p> <p>25 A Not that I can recall.</p>	<p style="text-align: right;">Page 265</p> <p>1 M. HEIMBACH</p> <p>2 Q Did you care what was posted on the TWP</p> <p>3 social media accounts?</p> <p>4 A Well, I delegated and trusted people to</p> <p>5 be able to manage things.</p> <p>6 Q And you never looked, ever, at the TWP</p> <p>7 Twitter account to see what was being posted on</p> <p>8 behalf of your organization?</p> <p>9 A I can't really recall.</p> <p>10 Q You never looked at the Gab account to</p> <p>11 see what was being posted on behalf of the</p> <p>12 organization that you were the chairman of?</p> <p>13 A Not that I can recall.</p> <p>14 Q Did you ever -- who -- who ran the TWP VK</p> <p>15 page?</p> <p>16 A I don't know.</p> <p>17 Q You don't know?</p> <p>18 A Not that I can recall.</p> <p>19 Q When you say I don't recall, do you mean</p> <p>20 you don't remember or do you just mean, no?</p> <p>21 A I mean I don't recall.</p> <p>22 (Heimbach Deposition Exhibit No. 38</p> <p>23 was marked for the record.)</p> <p>24 BY MR. BLOCH:</p> <p>25 Q I'm showing you 38. What is that?</p>

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1 M. HEIMBACH

2 A It looks like a VK page.

3 Q Is that a TradWorker VK page?

4 A Looks like.

5 Q Is this the first time you've seen a  
6 TradWorker, TWP account on VK?

7 A I can't recall.

8 Q Who would know?

9 A Probably Matt Parrott.

10 Q Why didn't you care what was being posted  
11 on behalf of your organization on any social media  
12 account?

13 A Well, I couldn't manage everything.

14 Q Well, what did you manage?

15 A Writing the paper, networking for  
16 activism.

17 Q And that's it?

18 A Media interviews. Yeah.

19 Q And other than media interviews,  
20 activism -- what was the third thing you said?

21 A Networking.

22 Q Other than those things, you don't have  
23 any idea what anybody else in the Traditionalist  
24 Worker Party was doing?

25 A I mean, I was doing my job. Other people

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2 were doing theirs.

3 Q And as the chairman, you didn't -- were  
4 there meetings?

5 A Yes.

6 Q When did meetings happen?

7 A When local groups decided to meet.

8 Q Did you ever have internal meetings with  
9 the Traditionalist -- withdrawn.

10 Did you ever have meetings with the TWP?

11 A Yes.

12 Q How often?

13 A Depended on the region, membership in  
14 that area.

15 Q Approximately how often did you meet as a  
16 party?

17 A Well, I mean people were spread out over  
18 a pretty big distance. So the question is, like, how  
19 often did I meet up to go bowling with TWP members in  
20 my local region, or how often did we have like a big  
21 hootenanny?

22 Q Did you have meetings as a party about  
23 the operation of the party?

24 A Well, in terms of the operation of the  
25 party, that would have been conversations between

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1 M. HEIMBACH

2 myself, Matt Parrott and Tony Hovater.

3 Q And did the three of you ever have  
4 discussions about TWP?

5 A Yes.

6 Q And in your discussions about TWP, did  
7 you ever discuss social media for TWP?

8 A Not that I can recall.

9 Q And you don't recall ever having  
10 reviewed, ever, any social media account that  
11 belonged to TWP?

12 A I don't recall.

13 Q You don't actively review Iron March,  
14 right?

15 A Like, I've read the website?

16 Q Sure.

17 A Sometimes.

18 Q How much time a day would you spend on  
19 social media?

20 A I don't know. Depended on the day,  
21 right?

22 Q Yeah. Approximately.

23 A I don't know.

24 Q Approximately how many hours a day would  
25 you spend on social media?

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1 M. HEIMBACH

2 A I don't know. It depends if it's a  
3 workday, if I was spending time with my kids, if I  
4 was traveling, if I was doing activism. I mean,  
5 that's a pretty wide range between zero time and a  
6 really lazy Saturday.

7 Q Did you take any steps to preserve any of  
8 the content from any TWP social media account?

9 A Well, considering I wasn't running them,  
10 no.

11 Q And as you sit here today, you don't know  
12 whether anybody has taken any steps to preserve the  
13 content of any social media account on behalf of TWP?

14 A Not in my wheelhouse.

15 Q Is the answer to my question, no?

16 A Yes.

17 Q In your supposed conversation you had  
18 sometime in the last year with Matt Parrott about  
19 preservation efforts, you did not discuss any TWP  
20 social media accounts?

21 A Nope, not to my knowledge.

22 Q How long did that conversation last?

23 A I don't recall.

24 Q When did that conversation take place?

25 A Sometime in the last year.

<p style="text-align: right;">Page 270</p> <p>1 M. HEIMBACH</p> <p>2 Q Sometime in 2018, fair to say?</p> <p>3 A Probably.</p> <p>4 Q What's Traditionalist Youth Network?</p> <p>5 A An organization that existed for, like, a</p> <p>6 year and a half.</p> <p>7 Q Who founded it?</p> <p>8 A I did.</p> <p>9 Q What is tradyouth.org?</p> <p>10 A A website.</p> <p>11 Q Who else was involved in Traditionalist</p> <p>12 Youth Network?</p> <p>13 A Matt Parrott.</p> <p>14 Q Anybody else?</p> <p>15 A Well, like membership, yeah.</p> <p>16 Q How many members?</p> <p>17 A I don't know.</p> <p>18 Q Can you approximate?</p> <p>19 A Not really.</p> <p>20 Q Is it fewer than a million members?</p> <p>21 A Fewer than a million.</p> <p>22 Q Would it be fewer than 10,000?</p> <p>23 A Yes.</p> <p>24 Q Is it fewer than 1,000?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 271</p> <p>1 M. HEIMBACH</p> <p>2 Q Is it fewer than 500?</p> <p>3 A For TYN, yes.</p> <p>4 Q Is it fewer than 250?</p> <p>5 A I don't know.</p> <p>6 Q Is it somewhere between zero and 500?</p> <p>7 A Between at least two and 500.</p> <p>8 Q Between two and 500?</p> <p>9 A Yeah.</p> <p>10 Q When I asked you if you could estimate,</p> <p>11 is there any reason you couldn't have said between</p> <p>12 two and 500?</p> <p>13 A It just seems overly broad. I wouldn't</p> <p>14 want to disrespect you.</p> <p>15 Q To be clear, tradyouth.org is the</p> <p>16 Traditionalist Youth Network's website, right?</p> <p>17 A It was.</p> <p>18 Q And that -- and who is the intended</p> <p>19 audience for that website?</p> <p>20 A College students.</p> <p>21 Q And that website -- did you run the</p> <p>22 website?</p> <p>23 A Nope.</p> <p>24 Q Matt Parrott?</p> <p>25 A Uh-huh.</p>
<p style="text-align: right;">Page 272</p> <p>1 M. HEIMBACH</p> <p>2 Q And did that audience include people that</p> <p>3 you were aware would attend Unite the Right?</p> <p>4 A Well, no, because TYN was shut down</p> <p>5 before Charlottesville.</p> <p>6 Q So is it your testimony that there was no</p> <p>7 content on tradyouth.org that concerned the Unite the</p> <p>8 Right rally?</p> <p>9 A I don't think that website even existed</p> <p>10 past 2014, to the best of my knowledge.</p> <p>11 Q And just to be clear, that's based on</p> <p>12 your recollection, right?</p> <p>13 A Yes, that's based on my recollection.</p> <p>14 Q And your recollection is that</p> <p>15 tradyouth.org was shut down by 2014, right?</p> <p>16 A Well, by 2015-ish.</p> <p>17 (Heimbach Deposition Exhibit No. 39</p> <p>18 was marked for the record.)</p> <p>19 BY MR. BLOCH:</p> <p>20 Q I'm showing you Exhibit 76 -- sorry --</p> <p>21 sorry -- Exhibit 39.</p> <p>22 Do you recognize that?</p> <p>23 A It looks like the website.</p> <p>24 Q And when you say it looks like the</p> <p>25 website, do you mean it looks like tradyouth.org?</p>	<p style="text-align: right;">Page 273</p> <p>1 M. HEIMBACH</p> <p>2 A It does, yes.</p> <p>3 Q And does it also look like, to you, that</p> <p>4 there's an article posted there?</p> <p>5 A Yeah, it looks like it.</p> <p>6 Q And does it also look like to you that</p> <p>7 the article concerns Unite the Right?</p> <p>8 A Yeah, I totally forgot this is still even</p> <p>9 up.</p> <p>10 Q Would it be fair to say, Mr. Heimbach,</p> <p>11 that your memory is not entirely reliable?</p> <p>12 A Oh, certainly not.</p> <p>13 Q Certainly not reliable, right?</p> <p>14 A Oh, no.</p> <p>15 Q Do you actually have a diagnosed issue</p> <p>16 with your memory?</p> <p>17 A Oh, no, I don't.</p> <p>18 Q Have you suffered any brain trauma of any</p> <p>19 kind?</p> <p>20 A I did get hit with a bat in</p> <p>21 Charlottesville.</p> <p>22 Q So this is an article that says: Proud</p> <p>23 boys are cordially invited to Unite the Right.</p> <p>24 Right?</p> <p>25 A Looks like.</p>

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Q And that was posted on tradyouth.org?

A By Matt Parrott, yes.

Q I'll take the exhibit back for a second.

Were there videos posted on tradyouth.org?

A I think so.

Q And were there podcasts posted?

A I believe so.

Q And the videos concerned Unite the Right, didn't they?

A Not that I can recall.

Q But that's based on your memory, right?

A Indeed.

Q And are there podcast on tradyouth.org?

A I believe so.

Q And did those concern Unite the Right?

A I don't recall.

Q Does tradyouth.org still exist?

A Not to the best of my knowledge.

Q When was it taken down?

A I don't recall.

Q Did -- you had an e-mail account associated with Traditionalist Youth Network?

A Not that I recall.

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Q That's based on your memory, though, right?

A Yes. That's all I've got.

Q And did you take any steps to preserve any of the content of tradyouth.org?

A Considering I didn't run the site, no.

Q You were also a member of Nationalist Front, right?

A It wasn't really a member thing, per se.

Q You were not a member of Nationalist Front?

A Well, I mean, the Nationalist Front was more of an idea.

Q Right. So my question is: Were you a member of the Nationalist Front?

A No. The Traditionalist Worker Party was.

Q Well, you were not a leader of Nationalist Front?

A I'm just a guy.

Q My question is: Were you a leader of the Nationalist Front?

A I don't really -- I mean, were there really leaders, though? More of a coalition sort of thing.

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M. HEIMBACH

I did lead an organization that was affiliated with an umbrella, a coalition idea.

Q Would you describe yourself as one of the leaders of the Nationalist Front?

A It doesn't exist anymore.

Q Are you going to answer my question?

A Yeah.

Q Would you describe yourself as a leader of the Nationalist Front?

A The leader of an organization that was a member to the Nationalist Front coalition.

Q Okay. So is the answer to my question, no, you would not call yourself a leader of the Nationalist Front coalition?

A I was the leader of the Traditionalist Worker Party, which was a member group. So there was no, like, head honcho of NF. There were different organizations that had their own leadership structure.

Q I see.

Is your testimony about your role in Nationalist Front, is that based on your memory?

A Yeah.

Q Okay. And did Nationalist Front have a

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website?

A Yes.

Q You remember that?

A Yes.

Q And what was the website?

A NFunity.org.

Q And there were documents posted on the website, right?

A I assume so.

Q Well, do you recall if there were documents posted on the website?

A There was a unifying statement of principles.

Q Anything else?

A Member organizations.

(Heimbach Deposition Exhibit No. 40 was marked for the record.)

BY MR. BLOCH:

Q Okay. I'm showing you Exhibit 40. Do you recognize that?

A Yes.

Q You do recognize that?

A Yes.

Q What is that?

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1 M. HEIMBACH

2 A It looks like a list of the different  
3 leaders of organizations that were in the Nationalist  
4 Front.

5 Q Does the -- it's a document, right?

6 A It is indeed.

7 Q And at the top of the document -- have  
8 you seen this document before?

9 A Not in a while.

10 Q At the -- but, yes?

11 A Yes, now that it's in front of me.

12 Q The top of the page says The Nationalist  
13 Front, right?

14 A Yes.

15 Q And then under that it says Leadership,  
16 right?

17 A Yes.

18 Q And would it be fair to assume that  
19 leadership means leadership of the Nationalist Front?

20 A Well, I feel like you're -- your argument  
21 is six of one, half dozen of another.

22 Leadership of various organizations that  
23 were equals to one another.

24 Q Does your copy of the document say  
25 leadership of various organizations or does it just

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1 M. HEIMBACH

2 say leadership of Nationalist Front?

3 A Well, if you read the descriptions, this  
4 identifies Jeff Schoep as being the leader of  
5 National Socialist Movement, myself as being the  
6 leader of Traditionalist Worker party, Dylann being  
7 the leader of Vanguard America, and Dr. Michael Hill  
8 being the leader of League of the South.

9 So leaders of different organizations  
10 that were united together, yes.

11 Q But you agree that you were listed as one  
12 of the persons under Leadership under this document,  
13 right?

14 A Like, but what does that mean.

15 Q I'm not asking you what it means, am I?

16 A Well, I feel like it kind of matters.

17 Q My question is: Are you listed as one of  
18 the people on this document under the word  
19 Leadership?

20 A Of an organization that was part of a  
21 coalition.

22 Q I'm going to try it one more time.

23 A I understand what you're saying, but I  
24 think these distinctions do matter to get to the  
25 heart of the matter, right?

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1 M. HEIMBACH

2 Q Mr. Heimbach, you understand that you are  
3 required to answer my questions, right?

4 A Yes, and I'm trying to the best of my  
5 ability, but I feel like you're not exactly listening  
6 of what I'm saying.

7 Q All right. So let me be very clear.

8 A Yes, I'm in the document as -- as a  
9 leader, right, which means that I was a leader of an  
10 organization that was part of a coalition.

11 Q Was there content on the website  
12 NFunity.org that concerned the Unite the Right rally?

13 A I don't recall.

14 Q And that's based on your memory, right?

15 A I didn't write the website.

16 Q My question is: That's based on your  
17 recollection?

18 A Based on my recollection.

19 Q And did you check in any way in your  
20 production efforts in this case?

21 A I don't believe the website is still  
22 on-line.

23 Q Is it still on-line?

24 A I don't think so.

25 Q Did you check whether it's still on-line?

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1 M. HEIMBACH

2 A No. Is it, though?

3 Q Do you have reason to believe the website  
4 is no longer on-line?

5 A I believe it most likely was taken down  
6 when Matt Parrott took down the Traditionalist Worker  
7 Party website.

8 Q Well, do you have a recollection of the  
9 website being taken down?

10 A Not directly.

11 Q Did you take any steps to preserve any  
12 content that existed on NFunity.org at any time?

13 A I didn't control the back end of the  
14 website, so I'd have no ability to do so, to the best  
15 of my knowledge.

16 Q Did Nationalist Front have its own e-mail  
17 system?

18 A I believe Matt Parrott had created a  
19 ticket system that was similar to the one for the  
20 Traditionalist Worker Party.

21 Q So is the answer to my question, yes?

22 A I believe so.

23 Q And you had a Nationalist Front e-mail  
24 address, right?

25 A I don't recall. I think it was tied in

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1 M. HEIMBACH  
2 with the TradWorker system, if memory serves me  
3 right.  
4 Q Well, do you recall or don't you recall  
5 whether you had an e-mail address on the Nationalist  
6 Front e-mail system?  
7 A No, I don't recall.  
8 Q And who controlled the Nationalist Front  
9 e-mail system?  
10 A Matt Parrott.  
11 (Heimbach Deposition Exhibit No. 41  
12 was marked for the record.)  
13 BY MR. BLOCH:  
14 Q I'm showing you Exhibit 41.  
15 Do you recognize this, Mr. Heimbach?  
16 A Well, I don't recognize it, but I  
17 understand what it is.  
18 Q And what is it?  
19 A It looks like a ticket.  
20 Q From?  
21 A NFunity.org, I suppose.  
22 Q Is this a ticket that is part of the  
23 Nationalist Front e-mail ticket system?  
24 A I assume so.  
25 Q Is that what it looks like to you?

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1 M. HEIMBACH  
2 A I still think they were integrated with  
3 the TradWorker one. I don't -- I believe.  
4 Q Do you know whether -- when you sit here  
5 today, whether or not you had a separate e-mail  
6 account for the Nationalist Front?  
7 A No.  
8 Q You might have, you might not have; is  
9 that your testimony?  
10 A Matt Parrott would know.  
11 Q I'm asking what you know, Mr. Heimbach.  
12 A I don't know.  
13 Q Do you know whether you had an e-mail  
14 account associated with the Nationalist Front's  
15 ticket e-mail system?  
16 A No.  
17 Q And you didn't take any steps to check  
18 that when you were ordered to produce documents in  
19 this case?  
20 A I mean, I even forgot this existed.  
21 Q So is the answer to my question, no, you  
22 did not check to see whether you had a Nationalist  
23 Front e-mail account when you were ordered to produce  
24 documents in this case?  
25 A Yes, I didn't remember that this existed.

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1 M. HEIMBACH  
2 A That's what it looks like.  
3 Q And do you see that there's a message on  
4 August 16th, 2017 from Commander Schoep?  
5 A Yes.  
6 Q And do you understand that to be Jeff  
7 Schoep?  
8 A Indeed.  
9 Q And do you see that the content of that  
10 message includes a reference to the battle in  
11 Charlottesville?  
12 A Yes.  
13 Q And do you understand that to be a  
14 reference to what took place at the Unite the Right  
15 rally?  
16 A I suppose so.  
17 Q And do you see that at the top of that  
18 e-mail, there is a CC, right?  
19 A Yes.  
20 Q And it CCs you, TWP Leader Matt Heimbach,  
21 right?  
22 A Uh-huh.  
23 Q Does that refresh your recollection that  
24 you had an e-mail account on the Nationalist Front  
25 ticket e-mail system?

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1 M. HEIMBACH  
2 Q And so you did not check?  
3 A No, I did not check. It's hard to check  
4 for things you don't remember.  
5 Q Did you talk about Charlottesville or  
6 Unite the Right on your Nationalist Front e-mail  
7 system?  
8 A I don't recall.  
9 Q Do you still have access to your  
10 Nationalist Front e-mail account?  
11 A I assume not.  
12 Q Do you know?  
13 A No.  
14 Q Where are the documents stored that were  
15 generated by the Nationalist Front ticket e-mail  
16 system?  
17 A I assume in Matt Parrott's house.  
18 Q I don't want you to assume, Mr. Heimbach.  
19 Do you know?  
20 A Nope. I was never in charge of them.  
21 Q You also had meetings in real life to  
22 discuss planning for Charlottesville, and by that I  
23 mean Nationalist Front meetings, right?  
24 A We had a rally in Pikeville, Kentucky.  
25 Q Well, apart from the rally in Pikeville,

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2 Kentucky, isn't it also true you had a meeting with  
3 the Nationalist Front to discuss planning for  
4 Charlottesville?

5 A I don't recall.

6 Q Do you recall anything you did in your  
7 capacity as a Nationalist Front leader related to the  
8 Unite the Right event?

9 A No.

10 Q Nothing?

11 A Not off the top of my head.

12 (Heimbach Deposition Exhibit No. 42  
13 was marked for the record.)

14 BY MR. BLOCH:

15 Q I'm showing you Exhibit 42. Is that a  
16 Discord post by you?

17 A Yes.

18 Q And did you post on Discord, on July 8th,  
19 2017: Reminder to all comrades in the area. We will  
20 be hosting a Nationalist Front meeting, TWP and  
21 allies in Ocoee, Tennessee this weekend, on Saturday  
22 at 1:00 p.m. at the famous Whitewater Grill. The  
23 address is 1224 US 64, Ocoee, Tennessee 37361. The  
24 purpose of the meeting is to plan for the upcoming  
25 Charlottesville event car pool, plan for future

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1 M. HEIMBACH

2 events, network and do a flash demo. Come meet great  
3 comrades and let's make history.

4 Do you see that?

5 A I do.

6 Q Did you post that on Discord on July 8th,  
7 2017?

8 A I assume so.

9 Q Were there notes taken at that meeting of  
10 any kind?

11 A I don't believe so.

12 Q Do you see, Mr. Heimbach, that in your  
13 capacity as a leader you sent out a document that  
14 included logistical details for the meeting that you  
15 wanted people to attend?

16 A To show up at Rick Tyler's family-run  
17 restaurant, yeah.

18 Q Right. So you agree with me that you  
19 sent out a document that included details, such as  
20 address, time, for an event that was just to meet and  
21 discuss Charlottesville, right?

22 A Yes. I don't recall really getting  
23 around to discussing Charlottesville.

24 I mean, the whole meeting is covered in a  
25 journalist Vegas Tenold's book, Everything You Love

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1 M. HEIMBACH

2 Will Burn. So that's a pretty -- as close to notes  
3 that exist, I think.

4 Q But you see, Mr. Heimbach, how you in  
5 your capacity as one of the leaders sent out a  
6 document that included these sorts of logistics so  
7 that people knew where to go, right?

8 A Sure.

9 Q And why did you think that was important  
10 to do for this meeting?

11 A So we could have fellowship and  
12 fraternity.

13 Q But did you think it was important to  
14 give people logistics about where to be and at what  
15 time so that people knew where to go and where to be  
16 at what time? Did you think that was important for  
17 that meeting in July?

18 A It's hard to have lunch without telling  
19 people when to show up.

20 Q Right. You sort of have to tell people  
21 where to be at what time if you want to have an  
22 organized meeting, right?

23 A Sure.

24 Q And that was important to you on  
25 July 8th, 2017, right?

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1 M. HEIMBACH

2 A Looks like.

3 Q And is it your testimony that you didn't  
4 see or send out any sort of document like this,  
5 including logistics, with respect to the Unite the  
6 Right rally that happened one month later?

7 A I don't recall. The e-mails would have  
8 been sent out by Matt Parrott.

9 Q But you don't have any recollection of  
10 anything like that, right?

11 A Uh-uh.

12 Q Now, fair to say Matt Parrott is a close  
13 friend of yours?

14 A Yeah.

15 Q And you were still friends with him in  
16 February of 2018, right?

17 A Uh-huh.

18 Q And you talked to him every day?

19 A Close enough.

20 Q And you live -- in February 2018, how far  
21 did you live from him?

22 A Fifty yards.

23 Q And you spoke to him about Unite the  
24 Right, right?

25 A I don't think I can really recall

<p style="text-align: right;">Page 290</p> <p>1 M. HEIMBACH</p> <p>2 specifics.</p> <p>3 Q Is it your testimony, Mr. Heimbach, that</p> <p>4 you did not discuss Unite the Right with Matthew</p> <p>5 Parrott?</p> <p>6 A I'm sure we did, I just can't recall</p> <p>7 specifics.</p> <p>8 Q But you talked to him about Unite the</p> <p>9 Right, right?</p> <p>10 A Sure.</p> <p>11 Q And you had conversations with</p> <p>12 Mr. Parrott about this lawsuit, right?</p> <p>13 A I assume so.</p> <p>14 Q Well, I'm not asking you to assume,</p> <p>15 Mr. Parrott [sic].</p> <p>16 You did have conversations about this</p> <p>17 lawsuit, didn't you?</p> <p>18 A Again, I assume so, yeah.</p> <p>19 Q Were you friends with Mr. Parrott on any</p> <p>20 social media accounts?</p> <p>21 A Facebook.</p> <p>22 Q Okay. And as a friend of Mr. Parrott's</p> <p>23 Facebook, you are able to see the things he posts on</p> <p>24 his page, right?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 291</p> <p>1 M. HEIMBACH</p> <p>2 (Heimbach Deposition Exhibit No. 43</p> <p>3 was marked for the record.)</p> <p>4 BY MR. BLOCH:</p> <p>5 Q I'm showing you Exhibit 43.</p> <p>6 Do you recognize that?</p> <p>7 A No.</p> <p>8 Q Is that a post from Mr. Parrott's</p> <p>9 Facebook page?</p> <p>10 A Looks like.</p> <p>11 Q And that's a post that Mr. Parrott posted</p> <p>12 on February 27, 2018, right?</p> <p>13 A Yes.</p> <p>14 Q And Mr. Parrott wrote: General note. If</p> <p>15 you were involved in any altercation in Cville and</p> <p>16 you haven't disabled your social media, you should do</p> <p>17 so. I know it's a bit late for some folks,</p> <p>18 obviously, but just in case there's anybody out there</p> <p>19 reading this who's out there who hasn't taken that</p> <p>20 step, do so. It doesn't matter if you actually did</p> <p>21 anything. Everybody's getting a ride, even if it's</p> <p>22 totally obvious that they're not convictable.</p> <p>23 A Isn't that the truth.</p> <p>24 Am I supposed to have an opinion on</p> <p>25 Mr. Parrott's post?</p>
<p style="text-align: right;">Page 292</p> <p>1 M. HEIMBACH</p> <p>2 Q You saw that post, right?</p> <p>3 A Not that I can recall.</p> <p>4 Q Did you ever have a conversation with</p> <p>5 Mr. Parrott about disabling social media accounts?</p> <p>6 A Not that I can recall.</p> <p>7 Q Even though you spoke to him every day,</p> <p>8 were friends with him on Facebook, lived 50 feet from</p> <p>9 him and talked to him about Charlottesville and this</p> <p>10 lawsuit, it's your testimony that you did not see</p> <p>11 this Facebook page or have any conversation with</p> <p>12 Mr. Parrott about disabling social media accounts; is</p> <p>13 that your testimony, sir?</p> <p>14 A Not that I can recall.</p> <p>15 He posts a lot. It's hard to keep up</p> <p>16 with all that.</p> <p>17 Q You agree with me, Mr. Heimbach, that</p> <p>18 every single social media account that you were on</p> <p>19 that concerns the Unite the Right has been either</p> <p>20 disabled or deleted since you were sued in this case?</p> <p>21 A Yes. To the best of my knowledge.</p> <p>22 Q You had a podcast -- we discussed this --</p> <p>23 called Daily Traditionalist, right?</p> <p>24 A Uh-huh. Are you guys regular listeners?</p> <p>25 Q When did you start that podcast?</p>	<p style="text-align: right;">Page 293</p> <p>1 M. HEIMBACH</p> <p>2 A I don't recall. I'm sure we can go back</p> <p>3 in the archives, though.</p> <p>4 Q Approximately when did you start the</p> <p>5 Daily Traditionalist podcast?</p> <p>6 A I still don't recall, but we could check</p> <p>7 the archives if you'd like.</p> <p>8 Q Was it after 1980?</p> <p>9 A I believe I was born, yes.</p> <p>10 Q So would it be fair to say it was after</p> <p>11 1980?</p> <p>12 A At least 1991.</p> <p>13 Q And was it after the year 2000?</p> <p>14 A Yes.</p> <p>15 Q Was it after the year 2010?</p> <p>16 A Somewhere between the years of 2014 to</p> <p>17 2017.</p> <p>18 Q That's when you created the Daily</p> <p>19 Traditionalist?</p> <p>20 A Somewhere in there.</p> <p>21 Q And who are the listeners of this</p> <p>22 podcast?</p> <p>23 A Well, I mean you guys. I mean that's</p> <p>24 been my biggest fans, right?</p> <p>25 White nationalists.</p>

1 M. HEIMBACH  
2 Q And how many episodes would you say  
3 you've appeared on?  
4 A Oh, I don't know. I mean, I did it daily  
5 for a while. Over a hundred, if I were to give an  
6 estimate.  
7 Q And other Defendants have appeared on  
8 that podcast, too, right?  
9 A Yes.  
10 Q Including Tony Hovater?  
11 A Yes.  
12 Q Where are the recordings of this podcast  
13 kept?  
14 A On the archives of Radio Aryan.  
15 Q Does that website still exist?  
16 A Yes.  
17 Q And so all of those podcasts are  
18 available on that website, as far as you know?  
19 A As far as I know.  
20 Q Have you checked?  
21 A No.  
22 Q Well, there are podcasts that discuss  
23 Unite the Right; isn't that true?  
24 A I assume so.  
25 Q Well, you were on the podcasts, right?

1 M. HEIMBACH  
2 Q You also appeared on a podcast called the  
3 Daily Nationalist, right?  
4 A Yes.  
5 Q And you discussed Unite the Right on that  
6 pod cast, as well, right?  
7 A I believe so, yes.  
8 Q You believe so or you did?  
9 A I believe so.  
10 Q Do you not recall?  
11 A No. If you're referring to an episode  
12 from -- I don't know -- a month ago, yes.  
13 Q So you do recall speaking about Unite the  
14 Right on a Daily Nationalist podcast about a month  
15 ago, right?  
16 A Yes.  
17 Q Have you appeared on any other podcasts?  
18 A Like, ever?  
19 Q Yeah.  
20 A Like ever, ever? Yes.  
21 Q How about The Radical Agenda?  
22 A Yes.  
23 Q And whose podcast is that?  
24 A Chris Cantwell's.  
25 Q And have you discussed Charlottesville on

1 M. HEIMBACH  
2 A Yes, but you do a podcast everyday, it's  
3 hard to remember what you talked about from Tuesday  
4 to Friday, let alone two years ago.  
5 Q Did you say on a podcast on October 12th,  
6 2017, you were incredibly restrained in  
7 Charlottesville?  
8 A I assume you can play it, so I'm going to  
9 go ahead with yes, but I don't recall.  
10 Q Did you make -- sure. Whatever.  
11 I'm referring to Exhibit 1 at 8.45.  
12 Podcast Recording Played:  
13 (Sounds like a wonderful idea.  
14 It's -- well, if we can grow -- in every  
15 with respect, incredibly restrained. In  
16 our planning, in our talking with people,  
17 in our actual actions. Incredibly  
18 restrained in Charlottesville. We  
19 would --)  
20 BY MR. BLOCH:  
21 Q Is that your voice, Mr. Heimbach?  
22 A It is, and I stand by that comment.  
23 Q And were you talking about Unite the  
24 Right?  
25 A I was.

1 M. HEIMBACH  
2 The Radical Agenda?  
3 A I think so.  
4 Q Have you taken any steps to preserve any  
5 episodes of any podcasts?  
6 A In regards to The Radical Agenda, given  
7 that Chris Cantwell is a Codefendant, I understood  
8 that he would have a responsibility to preserve all  
9 that information regardless. So --  
10 Q Did you discuss that with Mr. Cantwell?  
11 A I assumed he was going to fulfill his  
12 discovery obligations.  
13 Q I'm not asking for what you assumed,  
14 Mr. Heimbach.  
15 Did you discuss that with Mr. Cantwell?  
16 A I don't recall discussing that, no.  
17 Q Have you taken any steps to preserve any  
18 episodes of any of your podcasts?  
19 A No.  
20 Q Have you made any efforts to produce any  
21 of your podcasts to Plaintiffs in discovery in this  
22 case?  
23 A I didn't know you guys wanted to hear  
24 them.  
25 Q Do you recall looking at the document

<p style="text-align: right;">Page 298</p> <p>1 M. HEIMBACH</p> <p>2 requests earlier today?</p> <p>3 A Yes.</p> <p>4 Q And you agree that you've reviewed that,</p> <p>5 right?</p> <p>6 A I have now reviewed it, yes.</p> <p>7 Q Well, you reviewed it when I sent it to</p> <p>8 you, at least, on July 7th, 2019, right?</p> <p>9 A It sounds accurate.</p> <p>10 Q And you agree with me that one of the</p> <p>11 things we asked is podcasts, right? Didn't we talk</p> <p>12 about that?</p> <p>13 A Yes, but I hadn't really thought of it.</p> <p>14 I'd be happy to go through the archives going forward</p> <p>15 to fulfill any obligations.</p> <p>16 Q Do you have a podcast called Action?</p> <p>17 A Not anymore.</p> <p>18 Q Have you ever?</p> <p>19 A Yes.</p> <p>20 Q And how many episodes were there on</p> <p>21 Action?</p> <p>22 A Eight, I think.</p> <p>23 Q And who is the intended audience for</p> <p>24 Action?</p> <p>25 A Concerned soccer moms, and white</p>	<p style="text-align: right;">Page 299</p> <p>1 M. HEIMBACH</p> <p>2 nationalists. Really everybody. It's a family show.</p> <p>3 Q When did you create the first episode of</p> <p>4 Action?</p> <p>5 A Eight weeks before it ended, I guess.</p> <p>6 Maybe January.</p> <p>7 Q Of what year?</p> <p>8 A 2018.</p> <p>9 Q You created it in January 2018?</p> <p>10 A I believe so, to the best of my</p> <p>11 knowledge.</p> <p>12 Q And you appeared on the podcast with Tony</p> <p>13 Hovater?</p> <p>14 A Indeed.</p> <p>15 Q Any other Defendants?</p> <p>16 A I'd have to look.</p> <p>17 Q You agree that you spoke about Unite the</p> <p>18 Right on some of the episodes of that podcast?</p> <p>19 A Not that I recall, but if you've got a</p> <p>20 transcript I'm going to assume.</p> <p>21 Q Well, I'm asking you. Do you recall?</p> <p>22 A No, I don't recall.</p> <p>23 Q Did you take any steps to preserve the</p> <p>24 audio files of Action?</p> <p>25 A Well, the audio files were deleted in</p>
<p style="text-align: right;">Page 300</p> <p>1 M. HEIMBACH</p> <p>2 March of 2018 by therightstuff.biz. I never had the</p> <p>3 files and they were deleted overnight by the hosts.</p> <p>4 Q Where were they deleted?</p> <p>5 A An in-fight within white nationalism.</p> <p>6 Q Tell me about that.</p> <p>7 A They got upset, essentially, with the</p> <p>8 podcast and with the Traditionalist Worker Party.</p> <p>9 So, without any warning, they deleted the content.</p> <p>10 Q And who is that, that you're referring?</p> <p>11 What's the name?</p> <p>12 A The death panel. Mike Peinovich, Jazz</p> <p>13 Hands, JO probably. I don't know. I don't really</p> <p>14 know who was involved in all that decision.</p> <p>15 Q What's the death panel?</p> <p>16 A It's the hosts of the Daily Shoah.</p> <p>17 Q And why are they called the death panel?</p> <p>18 A It's a joke.</p> <p>19 Q Who is JO?</p> <p>20 A One of the guys that podcasts on</p> <p>21 therightstuff.</p> <p>22 Q So Mike Peinovich deleted your</p> <p>23 podcasts --</p> <p>24 A Well, I don't know that it was him. It</p> <p>25 could have been Sven or any of the other guys.</p>	<p style="text-align: right;">Page 301</p> <p>1 M. HEIMBACH</p> <p>2 Q Who's Sven?</p> <p>3 A A guy that's on the Daily Shoah.</p> <p>4 Q Is that Sven Longshanks?</p> <p>5 A No, different Sven.</p> <p>6 Q Really?</p> <p>7 A Really.</p> <p>8 Q What is this Sven's last name?</p> <p>9 A I don't know.</p> <p>10 Q Is this Sven a member of TWP?</p> <p>11 A No. No, the TRS crowd was never going to</p> <p>12 be wearing a TWP T-shirt.</p> <p>13 Q Did you ever appear on a podcast called</p> <p>14 Nord Front?</p> <p>15 A Yes.</p> <p>16 Q What is that?</p> <p>17 A It's a Nordic resistance movement English</p> <p>18 language podcast.</p> <p>19 Q And does that advocate white nationalism?</p> <p>20 A National socialism.</p> <p>21 Q And did you appear on that podcast</p> <p>22 shortly after the Unite the Right rally?</p> <p>23 A I don't recall.</p> <p>24 Q Did you appear on that podcast sometime</p> <p>25 on August 12th or 13th of 2017?</p>

1 M. HEIMBACH

2 A I don't recall.

3 Q Did you appear on a podcast on  
4 August 12th?

5 A I don't recall.

6 Q Did you appear on a podcast on  
7 August 13th?

8 A I don't recall.

9 Q Is your memory of August 12th so faulty  
10 that you don't remember whether or not you even  
11 appeared on a podcast or not?

12 A You know, faulty is one way to say it,  
13 but I think a more accurate thing would be I remember  
14 the defining moment of antifascists with assault  
15 rifles pointing them at me or being struck in the  
16 head with a bat. Those kind of stick out far more  
17 than if I did a podcast.

18 Q And you don't know whether you appeared  
19 on a podcast on August 13th to discuss the rally?

20 A I do not. If you have a transcript, you  
21 could refresh your memory, but I honestly don't  
22 recall. That was kind of a hectic couple days.

23 Q Are you familiar with Occidental Dissent?

24 A Yes.

25 Q What is that?

1 M. HEIMBACH

2 A That's a blog done by Brad Griffin.

3 Q Did you have an account on Occidental  
4 Dissent?

5 A One that Matt Parrott had set up.

6 Q So the answer is, yes?

7 A Yes.

8 Q By the way, what is Matt Parrott's actual  
9 title within the Traditionalist Worker Party?

10 A I don't know. Secret Wizard of  
11 Technology.

12 Q Is it fair to say he is lower on the  
13 hierarchy of TWP than you are?

14 A No.

15 Q Even though you're the chairman?

16 A Well, I know how to people. That's kind  
17 of the big difference here. Can't technology to save  
18 my life, but I can people. More of a dynamic duo  
19 sort of arrangement.

20 Q Is Matt Parrott related to Jessica  
21 Parrott in any way?

22 A They're ex-spouses.

23 Q Is Matt Parrott related to Brooke  
24 Heimbach in any way?

25 A Not biologically or adoption. He was

1 M. HEIMBACH

2 married to her biological mother for a period of  
3 time, but not actually related.

4 Q Is Matt Parrott Brooke Heimbach's  
5 father-in-law?

6 A Well, no.

7 Q Withdrawn.

8 Is Matt Parrott Brooke Heimbach's  
9 step-father?

10 A Not legally. He never adopted her.  
11 So --

12 THE WITNESS: So about that coffee?

13 MR. BLOCH: Why don't we go off the  
14 record and take a 20-minute lunch break.

15 THE WITNESS: Cool.

16 THE VIDEOGRAPHER: We're going off  
17 the record. The time is 1:51 p m.

18 (Brief pause.)

19 THE VIDEOGRAPHER: We're back on  
20 the record. The time is 2:17 p m.

21 BY MR. BLOCH:

22 Q Good afternoon, Mr. Heimbach.

23 A Good afternoon, Mr. Bloch.

24 Q Mr. Heimbach, you had a cell phone on  
25 August 12th, 2017, right?

1 M. HEIMBACH

2 A Yes.

3 Q And what kind of phone was that?

4 A I don't know.

5 Q You don't have any idea what kind of  
6 phone it was?

7 A Android.

8 Q Is that phone identified on the  
9 certification that you filled out?

10 A I'd have to look at it.  
11 (Heimbach Deposition Exhibit No. 44  
12 was marked for the record.)

13 BY MR. BLOCH:

14 Q I'm showing you Exhibit 44.

15 A Yes, that would be the third one.

16 Q So the third -- the notation on the  
17 certification that says Android?

18 A Yes.

19 Q What does that say, the nature of  
20 responsive documents on device?

21 A Text, location data, device removed -- I  
22 think -- as explained in submitted affidavit.

23 Q And so that notation refers to the cell  
24 phone that you had on August 12th 2017, right?

25 A Yes.

<p style="text-align: right;">Page 306</p> <p>1 M. HEIMBACH</p> <p>2 Q And the phone number on that was</p> <p>3 (301)525-1474?</p> <p>4 A Yup.</p> <p>5 Q When did you purchase that phone?</p> <p>6 A I have no idea.</p> <p>7 Q Approximately when did you get that</p> <p>8 phone?</p> <p>9 A I have no idea.</p> <p>10 Q Well, was it in 2017?</p> <p>11 A I don't know.</p> <p>12 Q Was it sometime after 2010?</p> <p>13 A Sometime after 2010.</p> <p>14 Q Sometime after 2015?</p> <p>15 A I don't know.</p> <p>16 Q So it's conceivable that you had that</p> <p>17 phone for seven years; is that right?</p> <p>18 A Sometime after college. I don't remember</p> <p>19 when I got it.</p> <p>20 Q And when did you graduate college?</p> <p>21 A 2013.</p> <p>22 Q Okay. So are you testifying that you got</p> <p>23 that phone sometime after 2013?</p> <p>24 A I believe so.</p> <p>25 Q So you had that phone approximately for</p>	<p style="text-align: right;">Page 307</p> <p>1 M. HEIMBACH</p> <p>2 about four years up until August 12, 2017?</p> <p>3 A I don't know.</p> <p>4 Q You certainly had that phone in 2017,</p> <p>5 right?</p> <p>6 A I believe so.</p> <p>7 Q And is it fair to say that you had that</p> <p>8 phone at least by 2016?</p> <p>9 A I don't know.</p> <p>10 Q Is it fair to say you had that phone at</p> <p>11 least by the start of 2017?</p> <p>12 A I believe so.</p> <p>13 Q Between January 1st, 2017 and today, have</p> <p>14 you ever had another phone number?</p> <p>15 A Nope.</p> <p>16 Q And were you the only person that used</p> <p>17 that phone, that Android that's referred to on the</p> <p>18 certification?</p> <p>19 A Yes.</p> <p>20 Q And you sent and received text messages</p> <p>21 on that phone that related to the Unite the Right</p> <p>22 event, correct?</p> <p>23 A Yes.</p> <p>24 Q What sorts of things do you recall</p> <p>25 texting people about Unite the Right on that phone?</p>
<p style="text-align: right;">Page 308</p> <p>1 M. HEIMBACH</p> <p>2 A Looking forward to an exciting walk in</p> <p>3 the park.</p> <p>4 Q Is that the only thing you recall texting</p> <p>5 on that phone?</p> <p>6 A I don't recall.</p> <p>7 Q Do you recall texting people about</p> <p>8 planning related to Unite the Right?</p> <p>9 A I don't recall.</p> <p>10 Q Do you recall actually saying to</p> <p>11 somebody, Looking forward to a walk in the park?</p> <p>12 A No, I said that in Charlottesville on</p> <p>13 August 12th.</p> <p>14 Q And did you text people about how --</p> <p>15 about a code of conduct at Charlottesville at all?</p> <p>16 A I don't recall.</p> <p>17 Q Did you text anyone about how anyone</p> <p>18 ought to behave in Charlottesville?</p> <p>19 A I don't recall.</p> <p>20 Q Did you text anyone about what you had</p> <p>21 hoped to accomplish at Charlottesville?</p> <p>22 A I don't recall.</p> <p>23 Q Did you send or receive a text message</p> <p>24 about Unite the Right on August 11th, 2017?</p> <p>25 A I'm sure I did.</p>	<p style="text-align: right;">Page 309</p> <p>1 M. HEIMBACH</p> <p>2 Q And did you send and receive text</p> <p>3 messages about Unite the Right on August 12th, 2017?</p> <p>4 A I'm sure I did.</p> <p>5 Q Do you recall specifically what you</p> <p>6 texted on August 11th to anybody?</p> <p>7 A No.</p> <p>8 Q Do you recall approximately, generally</p> <p>9 speaking, what you texted to anybody on August 11th?</p> <p>10 A No.</p> <p>11 Q Do you recall, generally speaking, what</p> <p>12 you texted about on August 12th, 2017?</p> <p>13 A No.</p> <p>14 Q And you agree with me you sent and</p> <p>15 received text messages about Charlottesville after</p> <p>16 August 12th, 2017, right?</p> <p>17 A I assume so, yeah.</p> <p>18 Q When is the most recent time you recall</p> <p>19 sending a text about the events at issue in this</p> <p>20 case?</p> <p>21 A I don't recall.</p> <p>22 Q Can you approximate?</p> <p>23 A Not with any reasonable certainty.</p> <p>24 Q Did you send a text that concerned</p> <p>25 Charlottesville in any way, to anybody, in 2019?</p>

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M. HEIMBACH

A Not that I can recall.

Q You agree with me that it's possible?

A Possible, yes.

Q Did you send a text message that concerned Charlottesville anytime in 2018?

A I don't recall.

Q Do you think it's possible?

A It's possible.

Q Do you think it's probable?

A Probably. Probably probable.

Q When you send a message on that phone, does it get backed up anywhere?

A I assume by the carrier.

Q Do you know whether it does?

A No.

Q Do you know whether it gets backed up to an on-line account?

A No.

Q Do you have access to an on-line account that contains your text messages?

A I don't believe so.

Q Do you know if it gets backed up to the Cloud?

A I don't know.

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Q Are you aware of any backup system for texts you send on that Android?

A No.

Q Did you take photo -- that phone has the ability to take photos, right?

A I believe it did, yeah.

Q And did you take photos on that phone that concerned the events in this case in any way?

A No, I think I was busy.

Q I'm sorry?

A I think I was a little busy getting hit with a bat and pepper-sprayed.

Q Putting aside for a moment August 12th, did you at any time take a single photograph related to the events in this case?

A I can't recall.

Q Did you take a photograph on August 11th, at all?

A I can't recall.

Q You might have?

A I can't recall.

Q Did you take a photo, at all, on August 12th?

A I don't know.

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M. HEIMBACH

Q But you might have?

A I mean, maybe, but doubtful.

Q When did you stop using that phone?

A I don't recall.

Q Well, what did you do with it after August 12th, 2017?

A Continued to use it, I believe.

Q And how long did you continue to use it for?

A The rest of the year, I think.

Q And -- and at some point after the -- 2017, you stopped using that phone?

A Yes.

Q Why?

A It busted.

Q And how did it bust?

A Well, at the time, I had a two-year-old. He busted it. I left it out. It was a stupid mistake.

Q And that was sometime in late 2017?

A I believe so.

Q Sometime in December of 2017, fair to say?

A Sure.

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M. HEIMBACH

Q And how -- did you see the phone get busted?

A Just the end result.

Q Which was what?

A It was cracked.

Q The screen?

A Yeah.

Q And what did you do with it when --

A Put it in the tub full of other stuff.

Q Just to be clear, do you know where the phone is now?

A I assume somewhere in, like, Indonesia being pulled apart.

Q Do you agree with me that the phone that you had on August 12th at Unite the Right rally is gone?

A Uh-huh.

Q And do you agree that you don't have access in any way to any of the content that you had at the Unite the Right rally and prior to that?

A Correct, but I'm willing to sign anything that needs to be done with the service provider so they can provide you with any available information.

Q As far as you know, there is -- you have

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1 M. HEIMBACH  
2 no access to any of content from that phone, right?  
3 A Correct.  
4 Q And you don't have any reason to believe  
5 that any service provider has access to any of the  
6 content from that phone, right?  
7 A I mean, I don't know what Verizon's  
8 policy is.  
9 Q So you would agree with me, you don't  
10 have any reason to believe any service provider has  
11 access to any of the content?  
12 A Well, I would assume they would have  
13 access, however.  
14 Q I'm not asking you to assume,  
15 Mr. Heimbach.  
16 Do you have any idea what Verizon keeps  
17 in terms of content?  
18 A I have no idea.  
19 Q So you have no idea whether anyone has  
20 access to the content to any of that phone, right?  
21 A No.  
22 Q And you have not tried in any way to  
23 access the content of that phone, right?  
24 A Besides not objecting to Plaintiffs'  
25 motion to subpoena the records from Verizon.

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1 M. HEIMBACH  
2 Q For what?  
3 A For the lawsuit.  
4 Q And was the box labeled in any way, the  
5 tub?  
6 A No.  
7 Q What else was in the tub?  
8 A Birth certificate, Social Security card,  
9 stuff from my reenacting days, assorted paperwork,  
10 copies of the party newspaper, stuff I had gotten on  
11 my trips overseas.  
12 Q Anything else?  
13 A A list of information for the accounts  
14 that have been since deleted.  
15 Q Any other electronic devices other than  
16 your phone?  
17 A Laptop.  
18 Q And where were you living at the time?  
19 A 120 Paul Street.  
20 Q By the way, what were you reenacting in  
21 your reenacting days?  
22 A Oh, Civil War.  
23 Q And where did you put the tub?  
24 A Near my computer.  
25 Q And did you notify anybody that you were

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1 M. HEIMBACH  
2 Q Are you referring to the subpoena that  
3 Plaintiffs issued to subpoena the call log from your  
4 phone?  
5 A Yes.  
6 Q And you're saying you did not object to  
7 that, right?  
8 A Yes.  
9 Q And you don't have any idea what kind of  
10 content you get from a subpoena like that, right?  
11 A No idea.  
12 Q Other than not objecting to the subpoena  
13 we issued, do you -- did you take any steps to try to  
14 access the content of that phone, at all?  
15 A Well, I don't even know how you would  
16 start when you don't use the same service provider  
17 and it doesn't exist.  
18 Q Is the answer to my question, no?  
19 A The answer, I suppose, would be, no.  
20 Q Where was -- why did you put it in a tub?  
21 A That's kind of where I put all my  
22 assorted odds and ends.  
23 Q And why didn't you just throw that phone  
24 away?  
25 A Because I would need it.

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1 M. HEIMBACH  
2 storing your cell phone in that tub?  
3 A No.  
4 Q Did anyone advise you that storing the  
5 con -- withdrawn.  
6 Did anyone advise you that storing the  
7 cell phone in that tub was a secure way to preserve  
8 your documents in this case?  
9 A No.  
10 Q Did you send the phone to your attorney?  
11 A No.  
12 Q Why not?  
13 A I don't think he asked for it.  
14 Q Did you ask anybody whether there was  
15 anything you could do to preserve the contents of  
16 that phone?  
17 A I assumed it just existing would be  
18 sufficient.  
19 Q So is the answer, no?  
20 A Besides keeping it. So --  
21 Q Did you take any steps to have the  
22 contents of the phone preserved, like having it  
23 imaged forensically?  
24 A Nope.  
25 Q Did you talk to your attorney at all

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1 M. HEIMBACH

2 about doing that?

3 A Not that I can recall.

4 Q Did you backup the content in any way, or  
5 try to, after it was damaged?

6 A No.

7 Q And did you tell anybody else in the  
8 world that your cell phone and laptop were in this  
9 tub?

10 A I don't think so.

11 Q And what happened to the tub?

12 A It was thrown out.

13 Q Do you know that?

14 A That's what I was told.

15 Q Who told you that?

16 A My ex-wife.

17 Q So on March 13th, you were charged with  
18 domestic battery, right?

19 A Uh-huh.

20 Q And that was on your wife at the time,  
21 Brooke Heimbach, right?

22 A Not the best day ever.

23 Q Is that right, that you were charged with  
24 domestic battery against your wife, Brooke Heimbach  
25 at the time?

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1 M. HEIMBACH

2 A Yes.

3 Q And what happened after March 13th?

4 A Well, I couldn't return home due to the  
5 protective order, so I left and went to Pennsylvania  
6 for a while and ended up in Tennessee.

7 Q The protective order you refer to is a  
8 no-contact order that prevented you from having  
9 contact with Brooke, right?

10 A Or returning to the premises.

11 Q Is that right?

12 A Yes.

13 Q And that started on March 13th, right?

14 A Yes.

15 Q And was the term of the no-contact order  
16 that you were not allowed to call her in any way  
17 while the case was pending against you?

18 A I'd have to look at it.

19 Q You don't recall the terms of the --

20 A The exact specifics. I knew I wasn't  
21 supposed to go back to the property or interact with  
22 her, to allow the process to work its way through.

23 Q And the -- did you plead guilty to that  
24 charge on September 18th, 2018?

25 A Only because Indiana doesn't have an

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1 M. HEIMBACH

2 Alford plea.

3 Q So is the answer to my question, yes, you  
4 pled guilty on September 18 of 2018 to domestic  
5 battery against your wife, Brooke Heimbach?

6 A Yes.

7 Q When you pled guilty, you were under  
8 oath, right?

9 A Yes.

10 Q And when you pled guilty, you said that  
11 you were guilty of that charge?

12 A Indeed.

13 Q And when you pled guilty under oath to  
14 being guilty of that charge, is that because you  
15 were, in fact, guilty of what you were accused of?

16 A I was under oath, so, yes.

17 Q And did you have any contact with Brooke  
18 Heimbach between March 13th, 2018 and September 18th,  
19 2018?

20 A Not that I can recall.

21 Q Well, did you ever call Brooke Heimbach  
22 between March 13th, 2018 and September 18th, 2018?

23 A Not that I can recall.

24 Q Did Brooke Heimbach ever call you between  
25 March 13th, 2018 and September 18th, 2018?

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1 M. HEIMBACH

2 A Not that I can recall.

3 Q When you pled guilty, one of the terms of  
4 your sentence was a continuation of the no-contact  
5 order, right?

6 A With the exemption of what was agreed  
7 upon for a conditional divorce.

8 Q So to be clear, you were ordered not to  
9 have any contact with her, other than through your  
10 divorce proceedings; is that right?

11 A Well, no. They would be modified  
12 dependent upon what we agreed on in our divorce,  
13 which was to allow full contact.

14 Q When did you have that modified?

15 A I mean, we discussed it with a  
16 prosecutor, Holly Hudelson, in September, I believe.

17 Q So is it your testimony -- is there a  
18 no-contact order in place right now?

19 A No.

20 Q And is it your testimony that there was  
21 no contact -- no no-contact order in place as part of  
22 your plea in September 2018?

23 A Well, based upon what we agreed on for  
24 the divorce.

25 Q And did you take a -- an affirmative step

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1 M. HEIMBACH  
2 to have it modified in the divorce proceedings?  
3 A She had withdrawn it. To the best of my  
4 knowledge.  
5 Q Who withdrew it?  
6 A Brooke Heimbach.  
7 Q You're saying Brooke Heimbach withdrew  
8 the no-contact order?  
9 A I believe so.  
10 Q When did that happen?  
11 A I can't recall exactly.  
12 Q Well, approximately when did that happen?  
13 A Sometime when everything was going on, in  
14 the last year.  
15 Q What does that mean?  
16 A Well, I can't recall exactly.  
17 Q Well, you pled guilty on September 18,  
18 2018, right?  
19 A Uh-huh.  
20 Q And that's about 11 months ago, right?  
21 A Okay.  
22 Q Isn't that right?  
23 A I believe so.  
24 Q And your testimony is, at some point,  
25 Brooke Heimbach withdrew the no-contact order?

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1 M. HEIMBACH  
2 Q And you never asked anybody if you could  
3 have permission to go retrieve those?  
4 A Not to my knowledge. I mean, there was  
5 no one I could really ask.  
6 Q Did you ever tell Mr. Kolenich that the  
7 documents and devices that were relevant to this case  
8 were in a house that you had no ability to enter?  
9 A I don't recall.  
10 Q You don't recall having that conversation  
11 with Mr. Kolenich?  
12 A Uh-uh.  
13 Q It's possible you did?  
14 A I don't recall.  
15 Q Isn't there a procedure in Indiana that  
16 allows you to get your belongings with a police  
17 officer in a situation like this?  
18 A I don't know. I'm not a lawyer.  
19 Q You didn't ask anybody whether there was  
20 any way to get access to all of your 32 belongings  
21 that were in that home?  
22 A Well, I didn't assume she was going to  
23 pick up and go to Texas, unannounced.  
24 Q What's the answer to my question?  
25 A I don't recall.

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1 M. HEIMBACH  
2 A Yes.  
3 Q And when did that happen?  
4 A I don't know exactly.  
5 Q Wasn't that an event of some significance  
6 to you?  
7 A It was kind of a stressful time, all  
8 things considered. So --  
9 Q So was it sometime in 2019?  
10 A No. I believe it was last year.  
11 Q And do you have a document that states  
12 that Brooke Heimbach withdrew the no-contact order?  
13 A I believe she does. She had gone to -- I  
14 don't. But she had told me that she had gone to the  
15 sheriff's office or the court building in downtown  
16 Paoli and done that.  
17 Q When you were arrested on March 13th, did  
18 you ever ask anyone for permission to retrieve your  
19 belongings from your house?  
20 A No.  
21 Q And the belongings included your birth  
22 certificate, right?  
23 A All my documents.  
24 Q And all your documents, right?  
25 A Yup.

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1 M. HEIMBACH  
2 Q When did you learn that that tub had been  
3 disposed of?  
4 A I don't recall.  
5 Q Approximately, when did you learn that  
6 all of your 32 belongings were thrown away?  
7 A I was kind of focused on other things. I  
8 don't recall.  
9 Q Were you upset when that happened?  
10 A Yes.  
11 Q And tell me about how you learned that.  
12 A I don't recall the specifics. Perhaps  
13 through my mother.  
14 Q You don't recall who it was that told you  
15 that all of your 32 belongings had been thrown away.  
16 A It's not like I had much to begin with.  
17 Q Listen to my question.  
18 A The answer is, no.  
19 Q Do you recall when you were told your 32  
20 belongings had been thrown away?  
21 A Uh-uh.  
22 Q You agree with me this was an upsetting  
23 thing to learn, right?  
24 A Yup.  
25 Q And it happened sometime in the last year

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1 M. HEIMBACH  
2 and a half, right?  
3 A Uh-huh.  
4 Q So tell us everything you can remember  
5 about that conversation when you learned that your 32  
6 belongings, including your cell phone in this case,  
7 had been thrown away.  
8 A I don't recall it.  
9 Q Tell me everything you remember about  
10 when you learned that that had happened.  
11 A I don't really remember who I was  
12 speaking with. I don't remember any of the  
13 specifics. I mean, I was kind of busy with other  
14 things.  
15 Q Like what?  
16 A Having my probation revoked in the great  
17 Commonwealth of Kentucky and getting to go to jail.  
18 Q Do you even have a recollection of that  
19 conversation happening where someone told you your 32  
20 belongings and the cell phone in this case were  
21 thrown away?  
22 A Not the initial time I found out, no.  
23 Q You don't have any recollection of that?  
24 A Uh-uh.  
25 Q Would it be fair to say you actually

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1 M. HEIMBACH  
2 A Ashley and Robert Edwards.  
3 Q And how long had you lived at that  
4 address?  
5 A I don't know. Six months, something like  
6 that.  
7 Q Did you know Ashley and Robert Edwards?  
8 A In passing.  
9 Q Did you ever speak to Ashley or Robert  
10 Edwards about this incident?  
11 A Nope.  
12 Q Do you know if they even actually did go  
13 through and threw stuff away?  
14 A I haven't had a conversation with them.  
15 I took my ex-wife's word for being truthful.  
16 Q But you never called Ashley or Robert  
17 Edwards and asked if they found a tub that had a  
18 number of electronic devices in it?  
19 A Not that I can recall.  
20 Q Why not?  
21 A Well, I mean, first of all, I didn't have  
22 their phone number. Second of all, I was living out  
23 of state.  
24 Q Where did Ashley and Robert Edwards live?  
25 A [REDACTED]

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1 M. HEIMBACH  
2 don't know whether or not you ever had a conversation  
3 like that?  
4 A At some point I learned of it.  
5 Q How do you know that?  
6 A It was something that had been brought up  
7 after September of last year with my ex-wife.  
8 Q Who brought it up?  
9 A She had.  
10 Q Where?  
11 A When we were playing with our kids in the  
12 park.  
13 Q So sometime after September of last year,  
14 you were playing with your kids in the park and  
15 you're saying Brooke Heimbach brought that up?  
16 A Yes.  
17 Q What did she say?  
18 A That she was sorry that she went to Texas  
19 and everything kind of went sideways.  
20 Q What exactly did Ms. Heimbach tell you  
21 about that tub that had your devices and documents?  
22 A That she had left and told the neighbors  
23 to clean out the property in order to make room for  
24 new tenants because she wasn't planning on returning.  
25 Q And who are the neighbors?

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1 M. HEIMBACH  
2 [REDACTED]  
3 Q Did you ever at any time go back to 120  
4 Paul Street to see if the box is still there?  
5 A Not that I can recall.  
6 Q Why not?  
7 A Well, because it probably would have been  
8 a bad idea to start skulking around a property I  
9 wasn't supposed to be at.  
10 Q But you didn't try, right?  
11 A No.  
12 Q Did you have a landlord at the time?  
13 A Yes.  
14 Q What was your landlord's name?  
15 A Jessica Parrott. Who was not informed  
16 that Brooke Heimbach was vacating the premises, and  
17 was going through her own divorce at the time.  
18 Q Well, you were speaking with Ms. Parrott  
19 at the time, right?  
20 A Yes.  
21 Q Weren't you?  
22 A I said yes.  
23 Q Did you ever ask Jessica Parrott to get  
24 your -- withdrawn.  
25 Did you ever ask Jessica Parrott to give

<p style="text-align: right;">Page 330</p> <p>1 M. HEIMBACH</p> <p>2 you access to the house to get your 32 belongings?</p> <p>3 A Not that I can recall.</p> <p>4 Q Why not?</p> <p>5 A Because, to my knowledge at the time, my</p> <p>6 ex-wife was still living there. Jessica Parrott had</p> <p>7 also left the state of Indiana and had no knowledge</p> <p>8 of what was going on at the property.</p> <p>9 Q When you learned that your electronics</p> <p>10 were thrown away, did you notify anybody?</p> <p>11 A Not to my knowledge.</p> <p>12 Q Did you tell Mr. Kolenich that your</p> <p>13 electronic devices had been destroyed in this case?</p> <p>14 A I can't recall.</p> <p>15 Q Did you call Plaintiffs and say anything</p> <p>16 about your electronic devices?</p> <p>17 A I can't recall.</p> <p>18 Q Did you notify the Court that that</p> <p>19 happened?</p> <p>20 A I can't recall.</p> <p>21 Q Is the first time you ever told this</p> <p>22 story about your tub getting thrown out when you</p> <p>23 e-mailed it to me on June 10th, 2019?</p> <p>24 A I can't recall.</p> <p>25 Q Do you recall another time other than</p>	<p style="text-align: right;">Page 331</p> <p>1 M. HEIMBACH</p> <p>2 June 10th, 2019 when you told anybody in the world</p> <p>3 this story about the tub being thrown away?</p> <p>4 A Not off the top of my head.</p> <p>5 Q When your phone was damaged by your child</p> <p>6 in December of 2017, it was just the cracked screen?</p> <p>7 A I believe so.</p> <p>8 Q And you didn't try to just get it</p> <p>9 repaired?</p> <p>10 A No. You end up paying just as much for a</p> <p>11 new screen and all that as you do to just get a new</p> <p>12 phone.</p> <p>13 Q Was your phone damaged at all at Unite</p> <p>14 the Right?</p> <p>15 A It did receive some damage, yeah.</p> <p>16 Q What damage?</p> <p>17 A Small cracks and things like that.</p> <p>18 Q It didn't impair your ability to send</p> <p>19 text messages?</p> <p>20 A Not that I can recall.</p> <p>21 Q Did you get it fixed?</p> <p>22 A No.</p> <p>23 Q When your phone was damaged in</p> <p>24 December 2017, you bought a new phone, right?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 332</p> <p>1 M. HEIMBACH</p> <p>2 Q And when did you buy a new phone?</p> <p>3 A I mean, we'd have to look at the -- my</p> <p>4 provider would know.</p> <p>5 Q Shortly after it was damaged, fair to say</p> <p>6 that you bought a new phone?</p> <p>7 A Sure.</p> <p>8 Q So sometime probably in December of 2017</p> <p>9 or thereabouts?</p> <p>10 A Uh-huh.</p> <p>11 Q And what kind of phone was that?</p> <p>12 A It was a Blackview 800 Pro.</p> <p>13 Q Okay. And you sent text messages on that</p> <p>14 phone concerning the Unite the Right in some way,</p> <p>15 right?</p> <p>16 A Uh-huh.</p> <p>17 Q Is that a yes?</p> <p>18 A Yes.</p> <p>19 Q And you agree with me -- is that phone</p> <p>20 the same phone number?</p> <p>21 A Yes.</p> <p>22 Q And that phone is listed on Exhibit 44?</p> <p>23 A Yes.</p> <p>24 Q And which -- which phone on Exhibit 44 is</p> <p>25 that?</p>	<p style="text-align: right;">Page 333</p> <p>1 M. HEIMBACH</p> <p>2 A Number one.</p> <p>3 Q Is that the Blackview BV800 Pro?</p> <p>4 A Uh-huh.</p> <p>5 Q Where is that phone?</p> <p>6 A My wife, Jessica Heimbach, had my -- the</p> <p>7 phone had kept shorting out and factory resetting</p> <p>8 itself, so she had gotten me a new phone and replaced</p> <p>9 it for me.</p> <p>10 I was without a phone for a significant</p> <p>11 period of time, and she had replaced it and was</p> <p>12 unaware of any discovery requirements as to</p> <p>13 preserving it.</p> <p>14 Q And when did that happen?</p> <p>15 A I don't know. March or April, whenever</p> <p>16 this phone got turned on. It was an early birthday</p> <p>17 present.</p> <p>18 Q March or April of this year?</p> <p>19 A Yeah.</p> <p>20 Q So the phone listed on Exhibit 44, on the</p> <p>21 first entry, was disposed of in March of this year;</p> <p>22 is that right?</p> <p>23 A Yes.</p> <p>24 Q And can you just give us more detail</p> <p>25 about how that happened?</p>

1 M. HEIMBACH

2 A Well, the phone was bricked, basically.

3 Q What does that mean?

4 A Well, it kept factory resetting itself,  
5 and it wasn't working. So I had just basically given  
6 up on it and I was going to wait until either my tax  
7 check came or, you know, for my birthday, to get  
8 myself a new phone.

9 But Jessica had gone ahead and gotten me  
10 the newer model of that phone and wasn't aware that  
11 we were supposed to keep the other one.

12 Q And what is the newer model of that  
13 phone?

14 A It is a BV9500.

15 Q And is that listed on your certification?

16 A Yes.

17 Q Is that the third phone listed on your  
18 certification?

19 A Second phone.

20 Q I'm sorry.

21 It is the second entry on Exhibit 44,  
22 right?

23 A Yes. Uh-huh. Which was imaged  
24 yesterday.

25 Q And did you send text messages on that

1 M. HEIMBACH

2 phone concerning Unite the Right?

3 A Not that I can recall.

4 Q But that phone you have submitted to the  
5 vendor?

6 A Yes.

7 Q And you did that yesterday?

8 A Uh-huh.

9 Q And that's the BV9600?

10 A Yeah, or 9500. I've got doctor's  
11 handwriting, unfortunately.

12 Q That's the phone you currently still  
13 have?

14 A Yes.

15 Q Now, your wife -- withdrawn.

16 Your ex-wife, Brooke Heimbach, filled out  
17 an affidavit on your behalf in this case?

18 A Yes.

19 Q Right?

20 A Yes.

21 Q Can you describe how it came to be that  
22 she filled out this affidavit?

23 A Sure. I had explained to her, during one  
24 of my visitations with our children, that there was  
25 probably going to be some questions in regards to

1 M. HEIMBACH

2 that, and she offered to try and help and explain a  
3 very messy situation.

4 Q So you approached her and asked her to  
5 fill out an affidavit?

6 A No. She offered to do it.

7 Q Okay. And was this conversation you had  
8 with her in-person?

9 A Yes.

10 Q And when did you have this conversation  
11 with her?

12 A I don't know. May. May, June, somewhere  
13 around there.

14 Q Of this year?

15 A Yes.

16 Q Who actually wrote the affidavit?

17 A She did.

18 Q Did anybody assist her in writing the  
19 affidavit?

20 A She asked me to look it over.

21 Q And when did you look it over?

22 A I don't know. A week or two before it  
23 was submitted.

24 Q And did you make any edits at all to the  
25 document?

1 M. HEIMBACH

2 A Not that I can recall, and then she  
3 looked it over again and changed it more.

4 Q So she had you look it over, you had a  
5 conversation with her, and then she made some changes  
6 to the affidavit?

7 A Uh-huh.

8 Q And you don't know whether or not you  
9 personally made changes to the affidavit?

10 A No. I was just giving my insight.

11 Q You gave her your insight; is that what  
12 you're saying?

13 A Yeah.

14 Q And was this document e-mailed back and  
15 forth between you and Brooke Heimbach?

16 A I believe so, yeah.

17 Q Over your matthew.w.gmail --

18 A Uh-huh.

19 Q -- account?

20 A Yes.

21 Q Did an attorney help Brooke Heimbach with  
22 that affidavit?

23 A Not that I know of.

24 Q Did you consult with an attorney in any  
25 way regarding Brooke Heimbach's affidavit?

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1 M. HEIMBACH  
2 A I believe I mentioned to Mr. Kolenich  
3 that it was going to be filed, in a conversation we  
4 had in just informing him about what was going on on  
5 my side of the fence.  
6 Q So you -- when did you have that  
7 conversation with Mr. Kolenich?  
8 A I don't know. A month or more ago.  
9 Q Did Mr. Kolenich review the affidavit?  
10 A No.  
11 Q Did you ever send the affidavit to  
12 Mr. Kolenich?  
13 A When I e-mailed everyone.  
14 Q You mean in this case?  
15 A Yeah.  
16 Q Prior to your e-mailing everyone in this  
17 case, did you e-mail a copy of the affidavit to  
18 Mr. Kolenich, ever?  
19 A Not that I recall.  
20 Q Well, this was like a month ago, right?  
21 A Right.  
22 Q So did you or didn't you?  
23 A Not that I can recall.  
24 Q But you spoke to Mr. Kolenich about the  
25 affidavit before the affidavit was signed by Brooke

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1 M. HEIMBACH  
2 Heimbach; isn't that true?  
3 A I'm unsure on that.  
4 Q Sorry?  
5 A I'm unsure on that, on the exact dates.  
6 Q When did you have the conversation with  
7 Mr. Kolenich?  
8 A I'd have to go back and look at a call  
9 log.  
10 Q What -- did you call him from your 301  
11 phone number?  
12 A Yes.  
13 Q And approximately what date did you call  
14 him?  
15 A I'd have to look.  
16 Q Are you testifying today -- withdrawn.  
17 Did Mr. Kolenich give you any input  
18 regarding this affidavit that Brooke Heimbach filed  
19 on your behalf?  
20 A Not that I recall.  
21 Q Tell us everything you can remember about  
22 that conversation you had with Mr. Kolenich that  
23 happened within the last six weeks.  
24 A Well, as I mentioned earlier, primarily  
25 the plan was to facilitate discovery and move the

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1 M. HEIMBACH  
2 process along so we can get to trial and prove our  
3 case.  
4 Q Who said that? You or him?  
5 A He did, when I asked what an overall  
6 defense strategy for all Defendants involved was.  
7 Q And what were you told was the overall  
8 defense strategy?  
9 A What I just said.  
10 Q Which was what?  
11 A Get through the discovery process, comply  
12 with everything that we possibly can. And then once  
13 this gets to trial, blow your guys' case out of the  
14 water.  
15 Q Whose words is that?  
16 A Oh, that's mine.  
17 Q And what specifically did Mr. Kolenich  
18 say to you about the affidavit that Brooke Heimbach  
19 filled out in this case?  
20 A I can't recall specifically. I just  
21 remember that I had mentioned it to him.  
22 Q What did Mr. Heimbach say in response?  
23 A What did I say in response?  
24 Q What did -- sorry. Withdrawn.  
25 What did Mr. Kolenich say in response to

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1 M. HEIMBACH  
2 your telling him about Brooke Heimbach's affidavit?  
3 A I believe he had just simply mentioned  
4 that everyone needs to carry on and comply with  
5 discovery and move the ball down the field.  
6 Q That's what he said about Brooke  
7 Heimbach's affidavit?  
8 A I don't recall him saying anything  
9 specifically in response.  
10 Q Do you have any e-mails or text messages  
11 with Mr. Kolenich since January 2018?  
12 A I'm sure there have been.  
13 Q How many?  
14 A I don't know. Not very many.  
15 Q What is Brooke Heimbach's phone number?  
16 Just to be clear for the record, are you  
17 checking your phone?  
18 A Yeah, for the number.  
19 [REDACTED]  
20 Q [REDACTED]?  
21 A Yes.  
22 Q How long has that been Brooke Heimbach's  
23 phone number?  
24 A Over a year, I believe.  
25 Q Who is her provider?

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M. HEIMBACH

1  
2 A I don't know.  
3 Q Is that a cell phone number?  
4 A Yeah. As opposed to a telegraph?  
5 Q As opposed to a land line?  
6 A Yeah, that's a cell phone.  
7 Q And is that the only phone number you  
8 know Brooke Heimbach to have had?  
9 A Yeah.  
10 Q Ever?  
11 A I mean, not ever.  
12 Q How long have you known Brooke Heimbach?  
13 A Since 2013.  
14 Q Has this [REDACTED] number you just gave been  
15 her cell phone number since you met her in 2013?  
16 A I don't believe so.  
17 Q You do believe so or you don't?  
18 A I don't believe so.  
19 Q What other phone numbers do you know  
20 Brooke Heimbach to have had?  
21 A I don't know.  
22 Q Is it in your phone?  
23 A No.  
24 Q How long were you married to her?  
25 A Three years.

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M. HEIMBACH

1  
2 Q Why not?  
3 A Because the phone is less than a year  
4 old.  
5 Q You don't have any recollection as you  
6 sit here as to even the area code of any other phone  
7 number Brooke Heimbach had?  
8 A Michigan, maybe.  
9 Q And what would that area code be?  
10 A I don't know.  
11 Q In addition to -- withdrawn.  
12 Mr. Heimbach, you agree that every single  
13 phone that you have had to communicate about the  
14 events at issue in this case is gone, right?  
15 A Yup.  
16 Q Now, in addition to your phones, you used  
17 a computer to generate documents about  
18 Charlottesville, right?  
19 A Yeah. My laptop.  
20 Q And what kind of laptop did you use to  
21 generate responsive documents?  
22 A I think it was an Asus. It was just a  
23 cheap thing from, like, Best Buy.  
24 Q And when did you buy that?  
25 A I don't know.

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M. HEIMBACH

1  
2 Q And -- well, how long has she had this  
3 [REDACTED] number?  
4 A Over a year. I'm not exactly sure  
5 specifically.  
6 Q What's the area code of the phone number  
7 she had before that?  
8 A I don't know. You just update the  
9 contact in your phone.  
10 Q Do you ever send text messages with  
11 Brooke Heimbach?  
12 A Yup.  
13 Q Did you send text messages to her prior  
14 to the last year -- withdrawn. Let me make that  
15 clear.  
16 You sent text messages to her from a  
17 phone number other than this [REDACTED] number?  
18 A I don't believe so.  
19 Q Meaning you didn't text her --  
20 A Like, ever?  
21 Q Ever.  
22 A Well, yeah, I have.  
23 Q And are those text messages in your  
24 phone?  
25 A No.

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M. HEIMBACH

1  
2 Q Well, did you have it for all of 2017?  
3 A Yes.  
4 Q And where is that Asus laptop?  
5 A Same place the other stuff is.  
6 Q Did that laptop go in the tub?  
7 A Uh-huh.  
8 Q Other than that laptop, are there any  
9 other computers you've used to generate documents  
10 related to Charlottesville?  
11 A I don't believe relating to  
12 Charlottesville, no. I have a computer, currently,  
13 but I don't believe there's any responsive documents  
14 that have been done on it.  
15 Q Did you check?  
16 A Yes.  
17 Q When?  
18 A Within the last month.  
19 Q What did you do to check?  
20 A Went through all the files that were on  
21 it.  
22 Q What kind of files were on it?  
23 A Just articles, the ones I sent you.  
24 Q Right. I see. So your review of your  
25 current computer, the -- withdrawn.

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1 M. HEIMBACH

2 The documents you sent from your current  
3 computer is based on your assessment of what you  
4 believe are responsive documents on your computer,  
5 right?

6 A Yes, and since I've had the computer, I  
7 haven't been involved in any public white  
8 nationalism.

9 Q When did you put the Asus computer -- am  
10 I saying that right, Asus?

11 A I think. I don't know.

12 Q The laptop that you had in 2017, when did  
13 you put that in the tub?

14 A Well, that's where I usually just keep  
15 it.

16 Q You just store it in the tub?

17 A On top.

18 Q And so were you actively using it?

19 How long did you actively use that  
20 computer?

21 A I think that was the same one I had going  
22 back to college. 2013, maybe. It was a piece of  
23 garbage.

24 Q And when did you stop actively using that  
25 computer?

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1 M. HEIMBACH

2 A When I lost access to it in March of  
3 2018.

4 Q So in addition to storing historical  
5 artifacts and 32 documents, you also stored your  
6 current laptop in that tub?

7 A Uh-huh.

8 Q How big was the tub?

9 A I don't know. Like, that big  
10 (indicating).

11 Q You agree with me that that computer is  
12 gone now?

13 A I believe so, unless the Edwardses  
14 decided to keep a laptop.

15 Q Unless what?

16 A The Edwardses decided to keep a laptop,  
17 which to the best of my knowledge they did not.

18 Q Well, you didn't even call them, right,  
19 to see?

20 A Well, I don't have their phone numbers.

21 Q Did Brooke? Did you ask Brooke to call  
22 them to see if they still had anything?

23 A It hadn't crossed my mind.

24 Q So is the answer, no?

25 A No.

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1 M. HEIMBACH

2 Q Is it fair to say, Mr. Heimbach, that  
3 every single electronic device that you used to  
4 generate documents concerning the events at issue in  
5 this case is gone?

6 A Yes.

7 Q And they were all gone by March 13th of  
8 2018, right?

9 A To the best of my knowledge, yeah.

10 MR. BLOCH: We're going to take a  
11 five-minute break.

12 THE VIDEOGRAPHER: This marks the  
13 end of Videotape Number Three in the  
14 deposition of Matthew Heimbach. The time  
15 is 3:03 p m.

16 (Brief pause.)

17 THE VIDEOGRAPHER: This marks the  
18 beginning of Media Number Four in the  
19 deposition of Matthew Heimbach. The time  
20 is 3:13 p m.

21 BY MR. BLOCH:

22 Q Mr. Heimbach, on July 3rd, the judge  
23 ordered you to complete a certification form  
24 regarding your electronic devices and social media  
25 accounts, correct?

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1 M. HEIMBACH

2 A Yes.

3 Q And you understood that the purpose of  
4 filling out that document is to identify for  
5 Plaintiffs the sources of all documents you generated  
6 about the events in this case, right?

7 A Yes.

8 Q And you knew that we would take whatever  
9 accounts and devices that you identified and give it  
10 to a vendor to image those documents, right?

11 A Yes.

12 Q And you understood that you were required  
13 to disclose every single device or account that you  
14 used to communicate about the events at issue, even  
15 if they had been deleted or disabled, right?

16 A Yes.

17 Q And you're looking at your certification,  
18 which is Exhibit 44, right?

19 A Yes.

20 Q And you filled that out?

21 A Yes.

22 Q Under penalty of perjury?

23 A Yes.

24 Q And you swore that those were all the  
25 accounts and electronic devices that contain

1 M. HEIMBACH

2 potentially relevant documents, right?

3 A In terms of all the ones that I could  
4 even think of, yes, at the time that was a fully  
5 accurate statement.

6 Q You agree with me that you did not  
7 disclose your VK account?

8 A I guess I had forgotten that.

9 Q Do you agree with me that you did not  
10 disclose your Daily Stormer account?

11 A I didn't even remember that that existed.

12 Q Do you agree that you did not disclose  
13 your YouTube account?

14 A That fell in under Google, I believe,  
15 because it's the same log-in credentials.

16 Q You did not disclose therightstuff.biz,  
17 right?

18 A No, I had forgotten that that existed.

19 Q You did not disclose your Iron March  
20 account, right?

21 A I had forgotten that existed, as well.

22 Q You didn't disclose your PayPal or  
23 Hatreon account, right?

24 A I didn't remember those or even know that  
25 they would be relevant.

1 M. HEIMBACH

2 Q And you did not disclose the laptop that  
3 you have currently, now, that you testified contains  
4 responsive documents, right?

5 A That was mentioned in the e-mail that I  
6 had sent to you.

7 Q What was mentioned?

8 A Where I mentioned the laptop and  
9 everything else, I believe.

10 Q You said there's an e-mail that you sent  
11 to me that mentions a laptop that could be imaged?

12 A Well, it can't be imaged because it  
13 doesn't -- it's not around.

14 Q The laptop that you have right now.

15 A I don't have a laptop right now.

16 Q Do you have a computer right now?

17 A Yes.

18 Q You did not list that computer that you  
19 have -- withdrawn.

20 You agree with me that the computer that  
21 you have now is what you claim you searched for  
22 potentially relevant documents, right?

23 A Yes.

24 Q And you sent us about ten to 12 documents  
25 that you believed were potentially relevant, right?

1 M. HEIMBACH

2 Q You didn't disclose your second Twitter  
3 account, right?

4 A As I mentioned earlier, I didn't think  
5 there was anything that fit within the Plaintiffs'  
6 requests.

7 Q So your testimony is you actually did  
8 remember that second Twitter account, you  
9 intentionally left it off that certification?

10 A I believed based upon the document that  
11 there was nothing relevant in there.

12 Q Did you check in any way as to what that  
13 Twitter account contained?

14 A No.

15 Q You agree you didn't disclose your  
16 TradWorker e-mail account?

17 A Well, I did. That would have been the  
18 internal ticket system.

19 Q Did you identify a single podcast on that  
20 certification?

21 A I didn't know that I had to.

22 Q You're saying you didn't know that  
23 podcasts were called for in our document requests?

24 A I must have missed that when I read the  
25 request.

1 M. HEIMBACH

2 A From my Google Docs account, yes.

3 Q Every single one of them was from your  
4 Google Docs account?

5 A Yeah. I downloaded them onto the  
6 computer and then uploaded them and sent them to you.

7 Q Are you willing to have your computer  
8 that you have right now imaged by the third-party  
9 vendor for potentially relevant documents?

10 A Of course.

11 Q An so you're prepared to add that to the  
12 certification?

13 A Yeah. Anything that I missed or made a  
14 mistake on, I want to be able to comply as fully as  
15 possible, so I'd be happy to make any additions.

16 Q You did disclose a Signal account, right?

17 A Yes.

18 Q What is that?

19 A It's a messaging app.

20 Q And are there documents on there that  
21 concern the events at issue in this case?

22 A Not that I know of, but that would have  
23 been evaluated yesterday.

24 Q Okay. But so you left off about ten  
25 social media accounts that had potentially responsive

<p style="text-align: right;">Page 354</p> <p>1 M. HEIMBACH</p> <p>2 documents, but you did include one account that you</p> <p>3 believe does not have responsive documents; is that</p> <p>4 correct?</p> <p>5 A I was a little confused by everything, so</p> <p>6 I was trying to put as much stuff as I could possibly</p> <p>7 remember to anything that could possibly be relevant,</p> <p>8 and that's been now imaged.</p> <p>9 Q And you agree that under the</p> <p>10 certification -- where you wrote on the certification</p> <p>11 it says: The following are all the social media</p> <p>12 accounts as defined in Paragraph 2, 11 of the</p> <p>13 stipulation order that could contain potentially</p> <p>14 relevant documents, right?</p> <p>15 A Yes, and to the best of my knowledge at</p> <p>16 the time, I listed everything I could possibly</p> <p>17 remember. You guys have taken me down a trip down</p> <p>18 Memory Lane.</p> <p>19 Q Not very far, apparently.</p> <p>20 A Far enough.</p> <p>21 Q You listed a Skype account, right?</p> <p>22 A Yes.</p> <p>23 Q And then in the Comments, you wrote, NA</p> <p>24 but listed on a forum; is that right?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 355</p> <p>1 M. HEIMBACH</p> <p>2 Q And does that mean that it does not, in</p> <p>3 your view, have potentially responsive documents?</p> <p>4 A To the best of my knowledge, but I</p> <p>5 thought better safe than sorry.</p> <p>6 Q So, in your estimate of being better safe</p> <p>7 than sorry, you listed at least two accounts that you</p> <p>8 believe do not have anything relevant, but you left</p> <p>9 off about ten accounts that do have responsive</p> <p>10 documents; is that accurate?</p> <p>11 A On accident and, like I said, I'd be</p> <p>12 happy to make any additions going forward.</p> <p>13 Q Now, if we could go back to your</p> <p>14 interrogatory responses, which are -- which is</p> <p>15 Exhibit No. 7.</p> <p>16 A One, two, three, four, five, six and then</p> <p>17 it skips to eight.</p> <p>18 Seven. All right.</p> <p>19 Q You've got it?</p> <p>20 A I've got it.</p> <p>21 Q Is that your interrogatory responses?</p> <p>22 A Yes.</p> <p>23 Q The first question in the interrogatories</p> <p>24 asked you to identify all means of communication used</p> <p>25 by you to communicate concerning the events,</p>
<p style="text-align: right;">Page 356</p> <p>1 M. HEIMBACH</p> <p>2 including social media, e-mail, SMS messages -- which</p> <p>3 are text messages -- podcasts on-line video; isn't</p> <p>4 that right?</p> <p>5 A Yes.</p> <p>6 Q And you knew that when you answered</p> <p>7 these, that you were providing information concerning</p> <p>8 the evidence that you generated in this case, right?</p> <p>9 A Sure.</p> <p>10 Q You agree with me that you didn't list a</p> <p>11 single podcast, right?</p> <p>12 A Yes.</p> <p>13 Q You didn't list a single video, right?</p> <p>14 A Well, I hadn't written this response and</p> <p>15 I hadn't thought of podcasts. I mean, I know it's</p> <p>16 right there, but I guess when I was reviewing it I</p> <p>17 had glossed over it. I had forgotten to discuss that</p> <p>18 with Mr. Kolenich when he had put it together.</p> <p>19 Q But you agree that you didn't list a</p> <p>20 single podcast, right?</p> <p>21 A Yes.</p> <p>22 Q You didn't list a single in-person</p> <p>23 meeting, right?</p> <p>24 A Well, I don't know how that would be</p> <p>25 verified one way or the other.</p>	<p style="text-align: right;">Page 357</p> <p>1 M. HEIMBACH</p> <p>2 Q Well, you agree with me that the request</p> <p>3 calls for you to identify, among other things,</p> <p>4 in-person meetings, right?</p> <p>5 A Yes.</p> <p>6 Q Whether or not it could be verified, you</p> <p>7 were called to list it, right?</p> <p>8 A When Mr. Kolenich was putting together</p> <p>9 the interrogatories, I guess he had never asked.</p> <p>10 Q Well, you reviewed the interrogatories in</p> <p>11 April and swore under oath that they were true and</p> <p>12 correct to the best of your knowledge, right?</p> <p>13 A To the best of my knowledge.</p> <p>14 Q And do you agree with me you didn't list</p> <p>15 a single in-person meeting on that?</p> <p>16 A I had forgotten.</p> <p>17 Q So is this the answer, yes?</p> <p>18 A Yes, I had answered to the best of my</p> <p>19 knowledge, but I also miss things.</p> <p>20 Q And you would agree with me that your</p> <p>21 recollection was likely better in April of 2018 than</p> <p>22 it is now?</p> <p>23 A That's not saying much, but yes.</p> <p>24 Q You didn't list your e-mail account, did</p> <p>25 you?</p>

<p style="text-align: right;">Page 358</p> <p>1 M. HEIMBACH</p> <p>2 A No.</p> <p>3 Q In fact, you didn't list any e-mail</p> <p>4 account, right?</p> <p>5 A The -- no, I guess not. I -- I had</p> <p>6 understood that I had time, since being given the</p> <p>7 interrogatories, to review and resubmit them.</p> <p>8 Q Where did you get that understanding?</p> <p>9 A Well, I mean the fact that you guys sent</p> <p>10 them to me to review. So --</p> <p>11 Q That was a week ago, right?</p> <p>12 A Yes.</p> <p>13 Q But when you filled this out and swore to</p> <p>14 its accuracy under oath in April of 2018, you agree</p> <p>15 with me you didn't list a single e-mail account,</p> <p>16 right?</p> <p>17 A Yeah, I hadn't thought of it.</p> <p>18 Q And --</p> <p>19 A I had answered to the best of my ability.</p> <p>20 Q And you also didn't include your Daily</p> <p>21 Stormer account, right?</p> <p>22 A No, I didn't.</p> <p>23 Q You didn't include your YouTube account,</p> <p>24 right?</p> <p>25 A Nope.</p>	<p style="text-align: right;">Page 359</p> <p>1 M. HEIMBACH</p> <p>2 Q You didn't include therightstuff.biz?</p> <p>3 A Nope.</p> <p>4 Q You didn't include the Iron March</p> <p>5 account?</p> <p>6 A Nope.</p> <p>7 Q Didn't include PayPal or Hatreon or</p> <p>8 GoyFundMe, right?</p> <p>9 A No.</p> <p>10 Q Didn't include the TradWorker e-mail</p> <p>11 ticket system, did you?</p> <p>12 A No. I guess Mr. Kolenich and I, when we</p> <p>13 had gone over it initially in April of last year, had</p> <p>14 not fully gone over everything. I'm not blaming</p> <p>15 anyone for that, but I answered to the best of my</p> <p>16 knowledge.</p> <p>17 Q Do you actually have a recollection of</p> <p>18 going over this with Mr. Kolenich?</p> <p>19 A I believe we had a phone conversation</p> <p>20 about it.</p> <p>21 Q But do you recall a phone conversation</p> <p>22 about it?</p> <p>23 A Roughly, yes.</p> <p>24 Q And what was the content of that phone</p> <p>25 conversation?</p>
<p style="text-align: right;">Page 360</p> <p>1 M. HEIMBACH</p> <p>2 A Giving him all the log-in -- or all the</p> <p>3 details that are listed here, but I don't believe we</p> <p>4 had spent an extensive amount of time, I guess going</p> <p>5 over all this. But that's a shortcoming where I had</p> <p>6 answered to the best of my ability at the time. I'd</p> <p>7 be happy to make additions.</p> <p>8 Q You agree that you didn't disclose about</p> <p>9 ten to 12 social media accounts in your sworn</p> <p>10 interrogatory response that had responsive documents?</p> <p>11 A On accident.</p> <p>12 Q So is the answer to my question, yes?</p> <p>13 A Yes, on accident. I had answered</p> <p>14 truthfully to the best of my knowledge at the time.</p> <p>15 Q Interrogatory No. 2 asked you to identify</p> <p>16 any channel or server on Discord to which you had</p> <p>17 access, right?</p> <p>18 A Yes.</p> <p>19 Q And do you agree with me that you posted</p> <p>20 content in the Charlottesville 2.0 server?</p> <p>21 A Yeah, a very small amount, I think.</p> <p>22 Q And a server called Hoosier Haters?</p> <p>23 A I mean, maybe, I guess.</p> <p>24 Q Do you recall posting on a server called</p> <p>25 Hoosier Haters?</p>	<p style="text-align: right;">Page 361</p> <p>1 M. HEIMBACH</p> <p>2 A I do not.</p> <p>3 Q You posted on a server called IRL</p> <p>4 Networking Events?</p> <p>5 A I don't recall.</p> <p>6 Q Do you recall posting in the server</p> <p>7 called TradWorker?</p> <p>8 A Yeah.</p> <p>9 Q Wade's Grooming Plantation?</p> <p>10 A No. I don't recall.</p> <p>11 Q You didn't? Okay.</p> <p>12 WhiteWaterBoyz?</p> <p>13 A I don't recall.</p> <p>14 Q Interrogatory No. 3 asks you to identify</p> <p>15 all persons, natural or non-natural, with whom you</p> <p>16 communicated concerning the events, whether before,</p> <p>17 during or after the events, right?</p> <p>18 A Yes.</p> <p>19 Q And a you listed a number of people,</p> <p>20 right?</p> <p>21 A Yes.</p> <p>22 Q And do you agree with me, Mr. Heimbach,</p> <p>23 that you left out James Fields, right?</p> <p>24 A Well, I didn't talk to James Fields.</p> <p>25 Q Well, isn't it true that by this time, by</p>

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April 11th, 2018, when you swore under oath to the accuracy of this document, you had, in fact, sent Mr. Fields a letter?

A I don't recall the date of when that letter was sent.

Q Do you agree with me that we discussed earlier you posted a photograph of the letter that you sent to Mr. Fields?

A What was the date on that?

Q Hold on a moment.

I'm showing you Exhibit 12. Do you agree with me, Mr. Heimbach, that the date of the post that shows the photograph of your letter to Mr. Fields is January 19, 2018?

A Sure.

Q And that's approximately the time that you sent the letter to Mr. Fields?

A Yes.

Q And January 2018 -- withdrawn.

And January of 2018 is before April of 2018, right?

A I don't remember the contents of letter discussing the case.

Q Well, didn't we discuss the contents of

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letter?

A Yeah, providing Christian moral support, which would be different than actively discussing the case.

Q Your view is that a letter that you wrote to James Fields while he's in prison giving him support for his arrest involving the murder of Heather Heyer at Charlottesville is not a document that concerns the Unite the Right rally; is that your testimony?

A Well, yeah, because I can't recall if anything about the rally was even discussed.

Q You also communicated with Alex Ramos by April 11th, right?

A Yes.

Q And he was another person that was convicted of violence at Unite the Right, right?

A Yes.

Q And you left him off of your interrogatory response, too, right?

A Yes.

Q And you had communicated with Daniel Borden, right?

A Yeah, I hadn't -- I guess I just I hadn't

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understood what the scope was in regards to this. I'm sorry I'm not an attorney.

Q Well, the -- the request is to identify all persons with whom you communicated concerning the events.

Is there something about that that's difficult for you to understand?

A I don't recall actively discussing the events in a cell where I had asked James Fields for his best barbecue recipe. That wouldn't have any relation to the case.

Q And Interrogatory No. 4 asks you to identify all electronic devices used by you to communicate concerning the events.

A Yes.

Q And you didn't list a single computer, did you?

A No.

Q You agree with me that you have not ever disclosed the existence of computers that you used to discuss the events in this case until today?

A I can't recall.

Q Today is the first time you've ever disclosed the existence of computers that you used to

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communicate about the events?

A I really feel like I mentioned something in an e-mail and we'll have to go back and look at the record.

Q Please do.

A I will. If so, that's an oversight.

Q Fair to say, Mr. Heimbach, that your sworn interrogatory responses were not accurate?

A No, they were accurate at the time to the best of my knowledge and ability.

Q You -- you believe these interrogatory responses were accurate at that time?

A Yes.

Q Now --

A They have to be amended, however. I'm happy to do so and I apologize for any shortcomings.

But to the best of my knowledge at the time, which was a very stressful time in my life, with a lot of various factors going on, I guess things had just slipped my mind or I had forgotten them.

Q You also received document requests, right? That's Exhibit No. 5?

A Yes.

<p style="text-align: right;">Page 366</p> <p>1 M. HEIMBACH</p> <p>2 Q And that document asked you to produce</p> <p>3 all documents concerning the events in this case,</p> <p>4 right?</p> <p>5 A Yes.</p> <p>6 Q Including any social media documents</p> <p>7 concerning the events, right?</p> <p>8 A Yes.</p> <p>9 Q And at the time that you filled out your</p> <p>10 responses to this document, you knew that you had a</p> <p>11 number of documents in your possession that were</p> <p>12 responsive to these requests, right?</p> <p>13 A When -- when, specifically?</p> <p>14 Q In April of 2018, you knew that you had</p> <p>15 documents in your possession that were responsive to</p> <p>16 these document requests, right?</p> <p>17 A Which I had listed, yes.</p> <p>18 Q Sorry. Let's go step by step.</p> <p>19 You knew at the time that you signed</p> <p>20 the -- that you signed these documents that --</p> <p>21 withdrawn.</p> <p>22 You knew when you signed the</p> <p>23 certification in April of 2018 that you had</p> <p>24 responsive documents in your possession, right?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 367</p> <p>1 M. HEIMBACH</p> <p>2 Q And in response to Document Request</p> <p>3 No. 1, which called for all documents, communications</p> <p>4 concerning the events, your answer was: Quote, None,</p> <p>5 unless in the possession of Traditionalist Worker</p> <p>6 Party itself. What I would have had was</p> <p>7 involuntarily removed by Facebook, Twitter, et</p> <p>8 cetera.</p> <p>9 You wrote that, right?</p> <p>10 A Well, I didn't write it, no.</p> <p>11 Q Well, you affirmed the accuracy under</p> <p>12 oath of that statement, right?</p> <p>13 A Yes.</p> <p>14 Q And you agree with me, Mr. Heimbach, that</p> <p>15 that was not, in fact, true?</p> <p>16 A It was true to my understanding at the</p> <p>17 time.</p> <p>18 Q Was it true that you had no documents in</p> <p>19 your possession in April of 2018 that were responsive</p> <p>20 to these requests?</p> <p>21 A Well, I mean, essentially, I think what</p> <p>22 it boils down to is I have no idea what I'm doing in</p> <p>23 terms of the legal field and was trusting my then</p> <p>24 attorney at the time to actively work with me to</p> <p>25 fulfill all these responsibilities, and there seems</p>
<p style="text-align: right;">Page 368</p> <p>1 M. HEIMBACH</p> <p>2 to be a large series of communication breakdowns and</p> <p>3 failures that I don't think was really anyone's</p> <p>4 fault.</p> <p>5 But I answered truthfully to the best of</p> <p>6 my knowledge and ability at the time.</p> <p>7 Q Did you tell Mr. Kolenich at the time</p> <p>8 that you had documents on about ten different social</p> <p>9 media accounts that you didn't disclose in this</p> <p>10 document?</p> <p>11 A I don't recall. I kind of trusted</p> <p>12 counsel to ask the questions to get the information</p> <p>13 to properly represent me.</p> <p>14 Q Question 2 asks for all documents and</p> <p>15 communications concerning events and rallies prior to</p> <p>16 the events that related to the events in any way.</p> <p>17 And at the time you swore to the accuracy</p> <p>18 of this document, you knew that you had documents</p> <p>19 concerning Charlottesville 1.0, correct?</p> <p>20 A I don't know if I had any documents in</p> <p>21 relation to Charlottesville 1.0.</p> <p>22 Q You don't recall sending a single text</p> <p>23 message regarding Charlottesville 1.0?</p> <p>24 A Not that I can recall.</p> <p>25 Q You didn't post a single message anywhere</p>	<p style="text-align: right;">Page 369</p> <p>1 M. HEIMBACH</p> <p>2 about the Battle of Berkeley?</p> <p>3 A Not that I can recall.</p> <p>4 Q Question 3 asks for documents concerning</p> <p>5 a number of entities, including Traditionalist Worker</p> <p>6 Party, right?</p> <p>7 A Uh-huh.</p> <p>8 Q And would it be fair to say that you knew</p> <p>9 at the time you filled this out in April of 2018 that</p> <p>10 you had documents concerning communications with</p> <p>11 Traditionalist Worker Party?</p> <p>12 A No.</p> <p>13 Q Why not?</p> <p>14 A My understanding was that this was in</p> <p>15 reference specifically to the official things that</p> <p>16 were sent through the Traditionalist Worker Party</p> <p>17 related assets, which Mr. Parrott was going to</p> <p>18 provide.</p> <p>19 So my answer is as truthful as I could in</p> <p>20 understanding this.</p> <p>21 Q So you are now, under oath, affirming the</p> <p>22 accuracy of the answer to Document Request No. 3?</p> <p>23 A What I would say is I didn't properly</p> <p>24 understand the question.</p> <p>25 Q Is the answer accurate now that you</p>

<p style="text-align: right;">Page 370</p> <p>1 M. HEIMBACH</p> <p>2 properly understand the question?</p> <p>3 A I do not believe so, based on my</p> <p>4 understanding. However, at the time I answered</p> <p>5 truthfully to the best of my knowledge and ability.</p> <p>6 Q Do you agree with me that every single</p> <p>7 one of your answers to each document request, with</p> <p>8 the exception of No. 8, was: Quote, None, unless in</p> <p>9 the possession of Traditionalist Worker Party itself.</p> <p>10 What I would have had was involuntarily removed by</p> <p>11 Facebook, Twitter, et cetera?</p> <p>12 A Yes.</p> <p>13 Q And do you believe any of those responses</p> <p>14 are accurate based on your understanding of the</p> <p>15 document requests?</p> <p>16 A Based upon my understanding as of this</p> <p>17 moment or at the time?</p> <p>18 Q Right now.</p> <p>19 A As of right now, I would say that I</p> <p>20 believe all of these probably have to be modified,</p> <p>21 based on an increased understanding of the requested</p> <p>22 requirements.</p> <p>23 Again, I was relying upon counsel, who I</p> <p>24 don't necessarily believe explored these in the</p> <p>25 fullness to properly represent my best interests, and</p>	<p style="text-align: right;">Page 371</p> <p>1 M. HEIMBACH</p> <p>2 that was a breakdown of communication.</p> <p>3 Q Now, the -- your answer -- well --</p> <p>4 withdrawn.</p> <p>5 Request No. 8 asks for all documents and</p> <p>6 communications concerning the steps you have taken to</p> <p>7 preserve documents and communications relevant to</p> <p>8 this lawsuit, including the documents and</p> <p>9 communications responsive to these requests, right?</p> <p>10 A Yes.</p> <p>11 Q And what was your answer?</p> <p>12 A NA.</p> <p>13 Q And what does NA mean?</p> <p>14 A Not available.</p> <p>15 Q And is it not available or not applicable</p> <p>16 or what's your --</p> <p>17 A Or not applicable.</p> <p>18 Q And why did you write Not Applicable?</p> <p>19 A To the best of my knowledge at the time,</p> <p>20 that was the proper answer.</p> <p>21 Q And is that because you had not, in fact,</p> <p>22 taken any steps to preserve documents or</p> <p>23 communications relevant to this lawsuit?</p> <p>24 A Well, I mean, I feel that I have at the</p> <p>25 time. I don't know. Again, this is -- this is a</p>
<p style="text-align: right;">Page 372</p> <p>1 M. HEIMBACH</p> <p>2 moment where, honestly, I should have been</p> <p>3 representing myself pro se from the get-go to at</p> <p>4 least, perhaps, be able to better represent my</p> <p>5 interests. And I'd answered as truthfully as I could</p> <p>6 at the time.</p> <p>7 Q To be clear, Mr. Heimbach, other than</p> <p>8 putting your electronic devices in the tub, did you</p> <p>9 take any other steps to preserve any of your</p> <p>10 communications in this case?</p> <p>11 A All of the communications in terms of the</p> <p>12 Traditionalist Worker Party system were preserved by</p> <p>13 Matt Parrott.</p> <p>14 Q So focusing on your efforts to preserve</p> <p>15 documents, did you take any other steps to preserve</p> <p>16 any of your communications in this case?</p> <p>17 A I would need to know how.</p> <p>18 Q So is the answer, no?</p> <p>19 A Yes.</p> <p>20 Q You didn't image a single electronic</p> <p>21 device, right?</p> <p>22 A I don't know how.</p> <p>23 Q Your attorney never imaged a single</p> <p>24 electronic device, right?</p> <p>25 A I don't believe any of my devices were</p>	<p style="text-align: right;">Page 373</p> <p>1 M. HEIMBACH</p> <p>2 requested by counsel.</p> <p>3 Q And you didn't take any steps to preserve</p> <p>4 anything you posted on any social media account,</p> <p>5 right?</p> <p>6 A No, the vast majority of them were</p> <p>7 removed by the service providers. I didn't even know</p> <p>8 how to start that process.</p> <p>9 Q Now, are you aware that, in October of</p> <p>10 2018, the Plaintiffs filed a motion to get the judge</p> <p>11 to order you to have your electronic devices imaged?</p> <p>12 A No.</p> <p>13 (Heimbach Deposition Exhibit No. 45</p> <p>14 was marked for the record.)</p> <p>15 BY MR. BLOCH:</p> <p>16 Q I'm showing you what is marked Exhibit</p> <p>17 No. 45. Do you recognize that document?</p> <p>18 A It all kind of looks the same.</p> <p>19 Not off the top of my head, no.</p> <p>20 Q And so is it your testimony that you had</p> <p>21 no awareness in October of 2018 that Plaintiffs had</p> <p>22 filed a motion to compel you to have your devices</p> <p>23 imaged?</p> <p>24 A I don't recall.</p> <p>25 Q That document was never sent to you?</p>

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1 M. HEIMBACH

2 A I don't recall.

3 (Heimbach Deposition Exhibit No. 46  
4 was marked for the record.)

5 BY MR. BLOCH:

6 Q Mr. Heimbach, I'm showing you what's been  
7 marked Exhibit No. 46.

8 Do you recognize that document?

9 A No.

10 Q Is that document a declaration by you?

11 A Looks like.

12 Q And is there an electronic signature of  
13 yours?

14 A Yes.

15 Q And did you provide the -- did you put  
16 that electronic signature on there?

17 A I don't recall.

18 Q Did you authorize Mr. Kolenich or  
19 Mr. Woodard to put your electronic signature on that  
20 document?

21 A I don't recall.

22 Q Have you ever seen this document before?

23 A I don't recall.

24 Q Do you doubt that you received and gave  
25 authorization to swear to the contents of this

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2 document?

3 A No, but I just don't remember it.

4 Q And the declaration by you says:

5 Mr. Matthew Heimbach, having been duly cautioned,  
6 declares and states as follow. One, this declaration  
7 is based on personal knowledge. Two, I have been  
8 advised by my attorney the third party ESI would cost  
9 upwards of \$5,000 per device. And Three, I cannot  
10 afford to pay for third-party ESI vendor examinations  
11 of any electronic devices. I declare under penalty  
12 of perjury the foregoing is true and correct.  
13 Executed on October 24th, 2018.

14 Did you swear to the contents of this  
15 document?

16 A I mean, if it's in front of me, I must  
17 have.

18 Q Were you advised by your attorney that  
19 third-party ESI vendors cost upwards of \$5,000 per  
20 device?

21 A Again, if I swore to it, I must have  
22 been.

23 Q Do you recall a conversation about this  
24 with Mr. Kolenich?

25 A No.

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1 M. HEIMBACH

2 Q You don't recall any conversation where  
3 Mr. Kolenich discussed with you the cost of imaging  
4 your devices?

5 A Not as I sit here, but if I swore to it,  
6 then I must have.

7 Q And isn't it true, Mr. Heimbach, that at  
8 the time you swore to the accuracy of this document,  
9 you, in fact, did not have any electronic devices  
10 with responsive content on it?

11 A Yes.

12 Q Did you tell Mr. Kolenich that imaging  
13 electronic devices would be too expensive to you,  
14 even though you didn't, in fact, have any devices to  
15 be imaged?

16 A He knew my economic situation, which  
17 would make -- I mean, any expense above \$50, even, a  
18 formidable challenge.

19 Q But if you didn't have any electronic  
20 devices to be imaged, was there any expense  
21 associated with imaging your devices?

22 A Well, for instance, we just had my  
23 current phone imaged, and which that would have  
24 prohibitive. So anything that would have to be done  
25 for the process. So this would all be accurate

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2 statements.

3 Q The current phone that you had imaged,  
4 you would agree with me didn't -- was not in your  
5 possession at the time you signed this document,  
6 right?

7 A Yes, but my other phone, which was  
8 functioning at the time, would have been available.

9 Q Were you aware, Mr. Heimbach, that the  
10 Court ordered all Defendants in November of 2018 to  
11 submit your electronic devices to a vendor for  
12 imaging?

13 A I don't recall.

14 (Heimbach Deposition Exhibit No. 47  
15 was marked for the record.)

16 BY MR. BLOCH:

17 Q I'm showing you, Mr. Heimbach, what's  
18 being marked Exhibit No. 47.

19 Do you recognize this document?

20 A I don't recognize it, but I can read it  
21 real quick.

22 Q Well, do you believe you were ever shown  
23 or explained the contents of this document?

24 A I don't recall.

25 Q Are you aware that the Court -- were you

<p style="text-align: right;">Page 378</p> <p>1 M. HEIMBACH</p> <p>2 aware in November of 2018 that the Court ordered you</p> <p>3 to submit a consent form to Discord?</p> <p>4 A I don't recall. I believe I had</p> <p>5 submitted a form for Discord, however, prior.</p> <p>6 Q All right. We'll talk about that.</p> <p>7 Were you aware that you were ordered to</p> <p>8 fill out a certification in November of 2018</p> <p>9 attesting to all of your devices and social media</p> <p>10 accounts?</p> <p>11 A I don't recall.</p> <p>12 Q After this order was issued, you did not,</p> <p>13 in fact, submit any devices to a vendor, right?</p> <p>14 A I don't believe so.</p> <p>15 Q And the device that you had in your</p> <p>16 possession at that time with responsive documents has</p> <p>17 since been disposed of, right?</p> <p>18 A Yes.</p> <p>19 Q And you did not, at that time, in</p> <p>20 November of 2018, fill out a certification attesting</p> <p>21 to all of your devices and social media accounts,</p> <p>22 right?</p> <p>23 A I don't recall.</p> <p>24 Q Why didn't you?</p> <p>25 A I don't recall these.</p>	<p style="text-align: right;">Page 379</p> <p>1 M. HEIMBACH</p> <p>2 Q You don't have any recollection of any of</p> <p>3 this happening?</p> <p>4 A I've been going through a divorce. I've</p> <p>5 been dealing with a whole lot of stuff outside of</p> <p>6 this. I know this is your guys' day-to-day, but, no,</p> <p>7 I really don't recall.</p> <p>8 Q And prior to July 7th, 2019, do you agree</p> <p>9 that you didn't produce a single document in this</p> <p>10 case?</p> <p>11 A Yes.</p> <p>12 Q Why not?</p> <p>13 A I suppose my own ignorance in a lot of</p> <p>14 ways. I wasn't able to pay for an attorney to retain</p> <p>15 them to defend me. I'm not trained in any sort of</p> <p>16 legalese and I was -- I was ignorant as to even begin</p> <p>17 to fulfill my obligations and had no money to even</p> <p>18 ask an attorney to help.</p> <p>19 Q Weren't you still represented by</p> <p>20 Mr. Kolenich at the time you were ordered to do this,</p> <p>21 in November of 2018?</p> <p>22 A I don't know.</p> <p>23 (Heimbach Deposition Exhibit No. 49</p> <p>24 (49A) was marked for the record.)</p> <p>25</p>
<p style="text-align: right;">Page 380</p> <p>1 M. HEIMBACH</p> <p>2 BY MR. BLOCH:</p> <p>3 Q Mr. Heimbach, I'm showing you Exhibit</p> <p>4 No. 49.</p> <p>5 Do you recognize that document?</p> <p>6 A I guess. I don't recall this off the top</p> <p>7 of my head, but I signed it, so, yes.</p> <p>8 Q And did you -- is this document an</p> <p>9 e-mail -- it's a two-page document, right?</p> <p>10 A Yes.</p> <p>11 Q And it's -- the top page is an e-mail you</p> <p>12 received from Mr. Kolenich on November 20th, 2018,</p> <p>13 right?</p> <p>14 A Yes.</p> <p>15 Q And the subject is Please Tend to</p> <p>16 Immediately?</p> <p>17 A Looks like, yeah.</p> <p>18 Q And Mr. Kolenich says: Please send the</p> <p>19 attached to SCA@bsflp.com right away, right?</p> <p>20 A Yes.</p> <p>21 Q And attached to that is a -- what appears</p> <p>22 to be a Discord SCA consent, right?</p> <p>23 A Looks like.</p> <p>24 Q And is that your signature at the bottom</p> <p>25 of the page?</p>	<p style="text-align: right;">Page 381</p> <p>1 M. HEIMBACH</p> <p>2 A Looks like it.</p> <p>3 Q Do you recall signing this?</p> <p>4 A Not off the top of my head.</p> <p>5 Q And --</p> <p>6 A But I do remembering submitting something</p> <p>7 to Discord, so I assume this is it.</p> <p>8 Q And the consent form states: I, Matt</p> <p>9 Heimbach, am the sole account holder for the Discord</p> <p>10 account associated with the user name Heimbach and</p> <p>11 the e-mail address -- and then there's a blank --</p> <p>12 from which I am sending this e-mail.</p> <p>13 Right?</p> <p>14 A Yes.</p> <p>15 Q And do you agree with me that you did</p> <p>16 not, in fact, have a Discord account with the user</p> <p>17 name Heimbach?</p> <p>18 A It was Matthew Heimbach, I think.</p> <p>19 Q Right.</p> <p>20 A So that would have been an error.</p> <p>21 Q Right. And so you agree with me that you</p> <p>22 did not actually have a Discord account with the user</p> <p>23 name Heimbach, right?</p> <p>24 A Yeah, that was a mistake.</p> <p>25 Q And then it says, And the e-mail address,</p>

<p style="text-align: right;">Page 382</p> <p>1 M. HEIMBACH</p> <p>2 and there's a blank, right?</p> <p>3 A Yeah.</p> <p>4 Q And you didn't fill in the e-mail address</p> <p>5 where you were called to fill in the e-mail address,</p> <p>6 right?</p> <p>7 A Yeah, I thought from -- that it was just</p> <p>8 spaced wrongly. From which I am sending this e-mail</p> <p>9 would have covered it. Again, confusion on my part.</p> <p>10 Q And isn't it true that you were</p> <p>11 subsequently informed that your SCA consent for</p> <p>12 Discord was defective?</p> <p>13 A I don't recall.</p> <p>14 Q And isn't it true that prior to June 3rd,</p> <p>15 2017, you never submitted another consent form to</p> <p>16 Discord?</p> <p>17 A I don't recall.</p> <p>18 Q Now, on January 28th, 2019, you received</p> <p>19 an e-mail from the court in Charlottesville, right?</p> <p>20 A I don't recall.</p> <p>21 Q Do you recall ever receiving an e-mail</p> <p>22 from the court in Charlottesville?</p> <p>23 A My e-mail account has so much spam and</p> <p>24 random nonsense filling it up, it's really hard to</p> <p>25 keep track.</p>	<p style="text-align: right;">Page 383</p> <p>1 M. HEIMBACH</p> <p>2 Q Do you recall ever receiving an e-mail</p> <p>3 from the court in Charlottesville?</p> <p>4 A I don't recall.</p> <p>5 (Heimbach Deposition Exhibit No. 48</p> <p>6 was marked for the record.)</p> <p>7 BY MR. BLOCH:</p> <p>8 Q And I'm showing you what is being marked</p> <p>9 Exhibit No. 48.</p> <p>10 Do you see that, Mr. Heimbach?</p> <p>11 A Yes.</p> <p>12 Q What is this?</p> <p>13 A It look likes an e-mail.</p> <p>14 Q And is this an e-mail that you received?</p> <p>15 A I don't recall.</p> <p>16 Q Do you agree with me that the To line</p> <p>17 states that it went to matthew.w.heimbach@gmail.com?</p> <p>18 A Yes, but I don't know if I ever saw it.</p> <p>19 Q But you agree that it went to that</p> <p>20 address, right?</p> <p>21 A Looks like.</p> <p>22 Q And you don't recall ever having seen</p> <p>23 this document?</p> <p>24 A I don't recall.</p> <p>25 Q Did you attend the court conference</p>
<p style="text-align: right;">Page 384</p> <p>1 M. HEIMBACH</p> <p>2 that's being discussed in this e-mail?</p> <p>3 A I don't believe so.</p> <p>4 Q Do you agree with me the e-mail says:</p> <p>5 Ms. Tenzer or Mr. Mosley, Mr. Heimbach, Judge Hoppe</p> <p>6 would like to have a conference call regarding some</p> <p>7 outstanding discovery issues. He's available the</p> <p>8 following dates and times.</p> <p>9 Right?</p> <p>10 A Yes.</p> <p>11 Q Then there's a list of dates and times?</p> <p>12 A Yes.</p> <p>13 Q And it says: Please let me know what</p> <p>14 works for you and I'll set up the conference call.</p> <p>15 Right?</p> <p>16 A Yes.</p> <p>17 Q Did you respond to that?</p> <p>18 A I don't recall.</p> <p>19 Q Do you recall sending an e-mail to a</p> <p>20 court setting up a conference call?</p> <p>21 A I don't recall.</p> <p>22 Q Is e-mailing with a court setting up a</p> <p>23 conference call concerning your discovery issues</p> <p>24 something that you think you'd remember?</p> <p>25 A Not necessarily.</p>	<p style="text-align: right;">Page 385</p> <p>1 M. HEIMBACH</p> <p>2 Q Why is that?</p> <p>3 A Very busy 32 life.</p> <p>4 (Heimbach Deposition Exhibit No. 49</p> <p>5 (49B) was marked for the record.)</p> <p>6 BY MR. BLOCH:</p> <p>7 Q Mr. Heimbach, I'm showing you what's</p> <p>8 being marked right now as Exhibit 49.</p> <p>9 A Okay.</p> <p>10 Q What's your last one? If you could just</p> <p>11 turn to entry 402.</p> <p>12 A That was -- oh, there we go.</p> <p>13 Q Docket entry 402 reads: Clerk called and</p> <p>14 e-mailed Elliott Kline, aka Eli Mosley, and Matthew</p> <p>15 Heimbach three times regarding setting a telephonic</p> <p>16 hearing on a -- on an outstanding discovery issue.</p> <p>17 After no response from either, clerk set hearing.</p> <p>18 Clerk called and left voicemail. He mailed an e-mail</p> <p>19 notice of hearing to both Defendants.</p> <p>20 Do you see that?</p> <p>21 A Yes.</p> <p>22 Q And did I read that correctly?</p> <p>23 A I believe so.</p> <p>24 Q And did you receive voicemails from the</p> <p>25 court?</p>

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2 A I don't recall. I haven't checked my  
3 voicemail in a very, very long time.

4 Q How long?

5 A A very long time. I don't need to  
6 constantly hear debt collectors on how much money  
7 they want from me, or threats, or other sorts of  
8 things.

9 Q Did you receive e-mails from the court?

10 A Not that I recall.

11 Q Did you respond to any calls or e-mails  
12 from the court?

13 A Not that I recall. And I believe the  
14 court had the wrong physical address for me.

15 Q What address did the court have?

16 A I'm not sure, but I don't think it was  
17 the correct one.

18 Q Why do you think that?

19 A Because when I called to give them my new  
20 address, they had to change it. I gave them my PO  
21 Box.

22 Q But you agree they had the correct e-mail  
23 address, right?

24 A Yes.

25 Q And they had the correct phone number,

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2 right?

3 A Yes, but I don't answer calls from  
4 numbers I don't know.

5 Q Are you aware there was a conference  
6 regarding your behavior in discovery on February 8th,  
7 2019?

8 A I don't recall.

9 Q Did you show up to a conference on  
10 February 8th, 2019?

11 A I don't believe so.

12 Q Well, isn't that something you would  
13 remember?

14 A It was a year ago, man.

15 Q February 8th, 2019.

16 A Oh, 2019. No. I don't believe I did.

17 Q But you're not sure?

18 A I don't believe I did.

19 Q From January to June of 2019, do you  
20 agree with me you didn't respond to any e-mails from  
21 the Plaintiffs?

22 A Sure.

23 Q And do you agree with me that from  
24 January to June 2019 you didn't respond to any  
25 e-mails from the court?

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2 A I don't recall receiving them. I'm not  
3 doubting that they sent them, but in the -- in the  
4 scrum of junk mail, I don't recall seeing them.

5 Q Do you now -- well, you've received  
6 e-mails from the court since June of 2019, right?

7 A Yes.

8 Q And you see those, right?

9 A Yes.

10 Q Do you respond to those when you're  
11 called to?

12 A I believe so.

13 Q And --

14 A I hope I haven't missed anything.

15 Q Well, on June 3rd of 2019, there was a  
16 hearing in Charlottesville, right?

17 A I guess.

18 Q Well, didn't you become aware of a  
19 hearing that happened in Charlottesville on June 3rd,  
20 2019 regarding your behavior?

21 A I believe after the fact.

22 Q And what did you hear after the fact?

23 A That the court was less than pleased.

24 Q And where did you hear that?

25 A The news media.

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1 M. HEIMBACH

2 Q And did you learn that you are under  
3 threat of getting arrested if you continue to ignore  
4 your discovery obligations?

5 A Indeed.

6 Q And you heard that around June 3rd,  
7 right, 2019?

8 A That sounds accurate.

9 Q And on June 4th, the day after, you  
10 contacted Mr. Kolenich, right?

11 A I believe so.

12 Q By the way, what social media did you  
13 hear this on?

14 A Well, it was on anti-fa Twitter accounts.  
15 I don't have an account, but I still check them.

16 Q You check anti-fa Twitter accounts?

17 A Yeah.

18 Q But you do not check the TWP Twitter  
19 account?

20 A Uh-uh.

21 Q Do you agree with me that it was only  
22 after you heard that you were threatened with an  
23 arrest that you received court e-mails and responded  
24 to them?

25 A Well, not about receiving, but actually

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1 M. HEIMBACH  
2 going back and looking. I hadn't frequently utilized  
3 the e-mail.  
4 Q But you are now able to view and receive  
5 court e-mails when you receive them, right?  
6 A Instead of not checking my e-mail for  
7 days at a time, now I check my e-mail every day.  
8 Q And is that all that has changed, is that  
9 you now check your e-mail more frequently?  
10 A Primarily, yes.  
11 Q Well, you say primarily. Is there  
12 anything else?  
13 A Not that I can think of.  
14 Q Did you change any settings in your  
15 e-mail account?  
16 A In terms of unsubscribing from a bunch of  
17 the junk mail that fills up the account.  
18 Q Did you do that?  
19 A Yeah.  
20 Q Did you change any e-mail settings?  
21 A Well, I would consider that changing what  
22 I was getting, marking things that were spam as spam  
23 so they'd be filtered properly instead of just  
24 ignoring them.  
25 Q You agree, Mr. Heimbach, that you didn't

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1 M. HEIMBACH  
2 that you would rather take a default than participate  
3 in discovery in this case?  
4 A More of I was just overwhelmed with a  
5 variety of other factors and wasn't seeing the  
6 e-mails.  
7 (Heimbach Deposition Exhibit No. 50  
8 was marked for the record.)  
9 BY MR. BLOCH:  
10 Q I'm showing you, Mr. Heimbach, what's  
11 been marked as Exhibit 50 in this case.  
12 Do you see that?  
13 A Yup.  
14 Q Does that appear to be a transcript of a  
15 court proceeding on June 3rd, 2019?  
16 A Looks like.  
17 Q And if you could turn to page 24.  
18 A Okay.  
19 Q On line 14, do you see where it says:  
20 Mr. Kolenich: I can reach Heimbach but  
21 he will not participate. He has made a tactical  
22 decision that he would rather just take a default and  
23 let that happen.  
24 Do you see that?  
25 A Yes.

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1 M. HEIMBACH  
2 produce a single document in this case until you were  
3 threatened with arrest?  
4 A I suppose one could say that.  
5 Q Did you make a tactical decision not to  
6 participate in discovery in this case?  
7 A No. I was simply brought into a better  
8 understanding of legal process again. Being not a  
9 lawyer, it's been an overwhelming situation.  
10 Q How did you come to a better  
11 understanding of your obligations?  
12 A Well, primarily over the last month and a  
13 half from speaking with you directly and working to  
14 fulfill my discovery obligations in a timely manner.  
15 Q Did you tell Mr. Kolenich that you had  
16 made a, quote, tactical decision that you would  
17 rather take a default than participate in discovery  
18 in this case?  
19 A I don't recall.  
20 Q You never told Mr. Kolenich that?  
21 A I didn't say that. I said I didn't  
22 recall.  
23 Q So you might have told Mr. Kolenich that?  
24 A Potentially.  
25 Q Well, did you make a tactical decision

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1 M. HEIMBACH  
2 Q Is what Mr. Kolenich said true?  
3 A I can't recall an exact conversation  
4 where I said that.  
5 Q You don't recall ever having -- saying --  
6 withdrawn.  
7 You don't recall ever having said  
8 anything to Mr. Kolenich that would lead him to that  
9 conclusion?  
10 A No. If anything, during conversations  
11 and overall assessment of how I was outgunned,  
12 metaphorically, in these endeavors and not knowing  
13 how to proceed, not being a lawyer, and not even  
14 knowing how to start, he might have drawn that  
15 inference. I don't recall an exact conversation,  
16 however.  
17 (Heimbach Deposition Exhibit No. 51  
18 was marked for the record.)  
19 BY MR. BLOCH:  
20 Q Mr. Kolenich [sic], I'm showing you  
21 what's been marked as Exhibit No. 51.  
22 A Yes.  
23 Q Do you have that in front of you?  
24 A I do.  
25 Q Do you recognize that document?

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1 M. HEIMBACH

2 A I wrote it.

3 Q So do you recognize it?

4 A I do.

5 Q You stated, Mr. Heimbach, on page -- if I  
6 could direct your attention to page six of 12, in the  
7 fifth paragraph down?

8 A Okay.

9 Q You wrote: Quote, As Respondent Heimbach  
10 wrote in a private Traditionalist Worker Party e-mail  
11 prior to the event proposing our, quote, cultural  
12 genocide through the removal of our monuments and  
13 flags.

14 A Uh-huh.

15 Q Where is that e-mail that you refer to in  
16 that document?

17 A I think it's the one from earlier.

18 Q You think that you've produced that  
19 document to us in this case?

20 A I believe so. If you want to go back, we  
21 can look at it.

22 Q Well, we'll check that, but where did you  
23 find that e-mail?

24 A Google Docs.

25 Q And is -- well -- do you have it?

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1 M. HEIMBACH

2 A Yeah.

3 Q Is that it?

4 A I'll read it real quick.

5 No. That would have been one of the  
6 other dozen documents I sent you, I believe.

7 Q So you believe that you have produced  
8 that document, right?

9 A I believe so.

10 Q And when do you believe you produced that  
11 document?

12 A When I sent you all the other documents.

13 Q And the documents -- well, withdrawn.

14 You were quoting from the actual document  
15 itself that you believe you already produced in this  
16 case, right, where it says cultural genocide through  
17 the removal of our monuments and flags?

18 A Yes.

19 Q And the documents that I recall you  
20 sending were PDFs and Word documents, right?

21 A I believe so, yes.

22 Q Isn't it true, you didn't send --  
23 withdrawn.

24 You didn't produce a single document that  
25 appears to have been written in a private

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1 M. HEIMBACH

2 Traditionalist Worker Party e-mail, right?

3 A Well, that would have gone through Matt  
4 Parrott, to be sent out and distributed. I would  
5 only have the rough drafts.

6 Q Well, how do you know that one of the  
7 documents that you say you produced was sent out over  
8 e-mail?

9 A I believe that it was.

10 Q Based on what?

11 A Based on Matt Parrott sent out e-mails  
12 prior to the event.

13 Q Do you have a recollection as you sit  
14 here today of one of the documents you sent to me  
15 being sent out over e-mail?

16 A I believe so.

17 Q Is that because you have a recollection  
18 in your mind right now of a particular Traditionalist  
19 Worker Party e-mail?

20 A Well, yeah, I had the rough draft.

21 Q And it's just based on your recollection  
22 that the rough draft of one of the documents you say  
23 you sent us was sent out over the e-mail system,  
24 right?

25 A I believe it was sent out, yes.

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1 M. HEIMBACH

2 Q Do you actually have a copy of the  
3 document being sent through the Traditionalist Worker  
4 Party e-mail system?

5 A I'm sure we can get it from Mr. Parrott.

6 Q But my question is: Do you have a copy  
7 of that e-mail?

8 A No. I would need to get it from my  
9 co-defendant.

10 Q Your testimony is that, if it exists, you  
11 believe the most likely place to find it is with  
12 Mr. Parrott, right?

13 A Yes.

14 Q And that's the extent to which you can  
15 testify about whether or not that was sent out over  
16 e-mail, right?

17 A Yes.

18 Q You stated, Mr. Heimbach -- again, I'm on  
19 page six of 12, and now I'm at the last full  
20 paragraph: Respondent Heimbach specifically  
21 instructed members of the Traditionalist Worker Party  
22 to not attend the August 11th event because it was  
23 not a permitted rally.

24 A Yes.

25 Q Right?

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1 M. HEIMBACH  
2 In what manner did you convey that  
3 instruction?  
4 A To those that were at the cabin that we  
5 were at, I told people not to go and to let anyone  
6 else that they knew not to go.  
7 Q And when you say you were at the cabin,  
8 what cabin are you talking about?  
9 A The private cabin we had rented for the  
10 weekend.  
11 Q And when you say the weekend, you mean  
12 August 11th and 12th?  
13 A Yes.  
14 Q So you're saying that when you were at a  
15 cabin on Friday night, August 11th, you told the  
16 people who were at that cabin they should not go to  
17 the torch march, right?  
18 A Yes, and to notify anyone else they knew  
19 not to attend.  
20 Q Was there any other manner in which you  
21 instructed members of TWP not to attend the  
22 August 11th rally?  
23 A I don't recall.  
24 Q Are you aware of a document where you  
25 instructed members of TWP not to attend the

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1 M. HEIMBACH  
2 including Mr. Parrott, instructing members of TWP not  
3 to attend the August 11th torch light march?  
4 A No, but I know my own conversations I  
5 had.  
6 Q And are you saying you were not aware of  
7 the torch light march prior to August 11th?  
8 A I believe I had heard some rumblings, but  
9 I don't believe I had known that it wasn't going to  
10 be a permanent event until that day.  
11 Q You didn't know until August 11th that  
12 the torch light march was actually happening on  
13 August 11th; is that right?  
14 A No, that it wasn't permitted.  
15 Q Permitted.  
16 When did you learn about the August 11th  
17 torch light march?  
18 A I can't recall. I wasn't really on  
19 speaking terms with the identity or the click that  
20 were the ones organizing that.  
21 Q You were not on speaking terms with Eli  
22 Kline?  
23 A Not really, or Jason Kessler, for the  
24 most part.  
25 Q You stated -- if you could go to page

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1 M. HEIMBACH  
2 August 11th event?  
3 A I don't recall.  
4 Q So, is the answer -- well, do you recall  
5 a document that specifically instructs members of the  
6 TWP to not attend the August 11th event?  
7 A I just remember saying it verbally.  
8 Q And that was on August 11th?  
9 A Yes.  
10 Q What time did you get to that cabin?  
11 A I don't know. It was evening.  
12 Dinnertime.  
13 Q And so the first time -- withdrawn.  
14 The only time you instructed members of  
15 the TWP not to go to the August 11th event was in the  
16 evening of August 11th, right?  
17 A Well, I don't believe anyone knew about  
18 it prior to that, necessarily, but I believe  
19 Mr. Parrott had a potentially informed them through  
20 other means.  
21 Q What makes you believe that?  
22 A Because he was always on top of things  
23 and he agreed with me, in our conversations earlier  
24 in the day, that we shouldn't attend that event.  
25 Q Have you seen a document from anybody,

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1 M. HEIMBACH  
2 nine of 12, and if you go to the third full paragraph  
3 from the bottom?  
4 A Uh-huh.  
5 Q You state: Respondent Heimbach and the  
6 Traditionalist Worker Party developed their own plan  
7 for the event, ignoring Eli Mosley, Richard Spencer  
8 and others.  
9 Right?  
10 A Yes.  
11 Q Was this a written plan?  
12 A Not that I can recall. We just blew them  
13 off.  
14 Q So when you say TWP developed their own  
15 plan for the event, you're saying the plan was just  
16 to blow them off?  
17 A Well, and to contact the Charlottesville  
18 Police Department to let them know that we were going  
19 to be parking right near where the courthouse and  
20 police station was, and got their approval for that.  
21 Q Did you contact the Charlottesville  
22 Police Department?  
23 A I believe so, yes.  
24 Q In what format?  
25 A Phone.

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1 M. HEIMBACH

2 Q You called the Charlottesville Police  
3 Department?

4 A Yeah, there was a sergeant, I think, who  
5 was in charge of organizing things. And I believe  
6 Mr. Parrott did, as well.

7 Q And what is the name of the sergeant who  
8 you spoke to?

9 A I don't know, man. I'm sure, looking at  
10 the call logs, we could figure it out.

11 Q You don't have a document that  
12 demonstrates any communication with the  
13 Charlottesville Police Department, do you?

14 A I mean, besides phone records that we can  
15 get.

16 Q Have you seen any phone records that show  
17 communication with the Charlottesville Police  
18 Department?

19 A Well, no, but I know I was on the phone,  
20 so they have to exist.

21 Q But to be clear, the plan that you  
22 discuss in that motion to dismiss was not written  
23 down anywhere?

24 A Not that I can recall. I mean, honestly,  
25 like how much of a written-out document or plan does

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1 M. HEIMBACH

2 one need to park at a Jo-Ann's Fabric, drive to the  
3 police station parking lot, and then go to a  
4 permitted rally. You don't have to be Sun Tzu to  
5 figure that out.

6 Q And that's all you did to plan for Unite  
7 the Right; is that right?

8 A In terms of what?

9 Q That you have just described the extent  
10 of your planning for the Unite the Right event?

11 A I mean, in terms of a -- an overview. I  
12 know Mr. Parrott, to the best of my knowledge, I know  
13 worked to communicate more than I did with CPD.

14 Q And you know that because he told you  
15 that at some point?

16 A Yes.

17 Q When did he tell you that?

18 A In the lead-up to the event.

19 Q On that same page, you say -- well, I'm  
20 sorry. I'm at the fifth full paragraph from the  
21 bottom.

22 A Okay.

23 Q It starts with Fact 71.

24 You say: While Respondent Heimbach was  
25 involved in that Discord chat and had initially

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1 M. HEIMBACH

2 participated in it, Respondent Heimbach withdrew from  
3 active participation before the rally.

4 A Yes.

5 Q What did you mean, withdrew from active  
6 participation?

7 A I mean, essentially, the other groups  
8 were trying to come up with a plan, but all of them  
9 were seemingly very inexperienced and not coming  
10 together with very good ideas.

11 I mean, I've organized plenty of rallies.  
12 So that's why we realized that their plan to park at  
13 one park and shuttle a van in was inefficient and  
14 potentially dangerous. So that's why we came up with  
15 a different plan. I didn't -- I wasn't going to ask  
16 their permission, because it was a permitted rally,  
17 so we just came up with our own plan.

18 Q So my question was: What did you mean,  
19 "withdrew from active participation" from Discord?

20 A I stopped talking in chat and they had  
21 Discord calls that I was invited to that I didn't  
22 participate in.

23 Q And when did you -- in your words --  
24 withdraw from active participation in Discord?

25 A Probably in the weeks leading up. Maybe

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1 M. HEIMBACH

2 the last two weeks or so.

3 Q In the last two weeks prior to the Unite  
4 the Right event, you did not participate on Discord?

5 A Well, on Discord, but not on that  
6 Discord, to the best of my knowledge.

7 Q What is that Discord?

8 A Well, like their server.

9 Q Whose server?

10 A The server that was set up by whoever did  
11 it, either -- Jason Kessler, whoever organized the  
12 Charlottesville Discord.

13 Q Are you talking about the Charlottesville  
14 2.0 server?

15 A Yes.

16 Q And you're saying you did not post on the  
17 Charlottesville 2.0 server two weeks prior to Unite  
18 the Right?

19 A To the best of my knowledge, that seems  
20 like an accurate time line. And I only participated  
21 in, I believe, one of the many calls that they  
22 organized to try and come up with a plan, because  
23 their plan was foolhardy and dangerous.

24 Q The -- when you say their -- participate  
25 in their calls, are you referring to the Leadership

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1 M. HEIMBACH  
2 Channel on Discord?  
3 A Yes.  
4 Q And you were, at some point, were a  
5 member of the Leadership Channel on Discord?  
6 A I believe so, yeah.  
7 MR. BLOCH: Let's take a  
8 three-minute break.  
9 THE WITNESS: Three minutes. I can  
10 get more water.  
11 THE VIDEOGRAPHER: Going off the  
12 record.  
13 (Proceedings recessed at 4:17 p m.)  
14 (Brief pause.)  
15 THE VIDEOGRAPHER: We're on back on  
16 record. The time is 4:23 p m.  
17 BY MR. BLOCH:  
18 Q Mr. Heimbach, you testified earlier that  
19 you were not aware that TWP had a VK account, right?  
20 A I don't recall it.  
21 Q You don't recall the account, right?  
22 A No.  
23 Q And isn't it true, Mr. Heimbach, that the  
24 VK account, in fact, posted articles that you wrote?  
25 A Well, that makes sense. I was the

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1 M. HEIMBACH  
2 A If it was on VK, I was almost never on  
3 the service, so that would have been rather  
4 unreliable.  
5 Q I'm sorry. Can you explain that?  
6 A All right. VK is a horrible platform.  
7 It's incredibly buggy and garbage and not good, so I  
8 never really used it.  
9 Q Well, my question was: Weren't you one  
10 of the contacts for TWP listed on the TWP VK account?  
11 A You would know better than me.  
12 Q Well, do you recall that?  
13 A I don't.  
14 (Heimbach Deposition Exhibit No. 53  
15 was marked for the record.)  
16 BY MR. BLOCH:  
17 Q If I could show you Exhibit 53.  
18 Is that the TWP VK account?  
19 A Looks like.  
20 Q And does it list two contacts?  
21 A Yes.  
22 Q And who are the two contacts?  
23 A Matthew Parrott and myself.  
24 Q And are you listed as the chief executive  
25 officer?

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1 M. HEIMBACH  
2 chairman.  
3 Q So is the answer to that, yes?  
4 A If you say they posted it, that makes  
5 sense.  
6 (Heimbach Deposition Exhibit No. 52  
7 was marked for the record.)  
8 BY MR. BLOCH:  
9 Q If I could show you what's been marked  
10 Exhibit 52.  
11 Do you recognize that, Mr. Heimbach?  
12 A Yeah, vaguely.  
13 Q That's the TWP VK account, right?  
14 A Okay. Yeah.  
15 Q Isn't it?  
16 A Yeah.  
17 Q And the TWP VK account posted an article  
18 by you on November 6th, 2017, right?  
19 A Sure.  
20 Q And is it still your testimony that you  
21 weren't even aware that TWP had a VK account?  
22 A I mean, I can't recall it.  
23 Q Isn't it true, Mr. Heimbach, that you  
24 were, in fact, one of the contacts for the VK TWP  
25 account?

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1 M. HEIMBACH  
2 A Yes, which isn't even the right title.  
3 Q And how does one become a contact for the  
4 VK account?  
5 A I don't know.  
6 Q What does it mean to be a contact?  
7 A I don't know.  
8 Q Doesn't it mean you have to at least have  
9 credentials to the VK account?  
10 A I don't know.  
11 Q Is there also on that VK account two  
12 speeches by you?  
13 A Yes.  
14 Q And one is the Matthew Heimbach St.  
15 Paddy's Day speech, right?  
16 A Uh-huh.  
17 Q And the other is the hash tag Death to  
18 America, Matthew Heimbach speech, right?  
19 A Uh-huh.  
20 Q And how did those get on the VK account?  
21 A Can't recall.  
22 Q You don't have any idea?  
23 A No, I mean those were posted on YouTube,  
24 so whoever was an admin, I believe, could have just  
25 put the YouTube link in and uploaded them.

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1 M. HEIMBACH

2 Q Did you post those to the VK account?

3 A Not that I can recall.

4 Q Who was the admin?

5 A I don't know. I mean, all of these --  
6 those two speeches were from 2014. So -- and that  
7 was a long time ago.

8 Q You also testified that you didn't have  
9 familiarity with the YouTube account or the  
10 tradworker.org website; is that right?

11 A Yeah, in terms of running them.

12 Q So is it your testimony that you didn't  
13 know what content was on those accounts?

14 A I don't recall everything that was  
15 posted.

16 (Heimbach Deposition Exhibit No. 54  
17 was marked for the record.)

18 BY MR. BLOCH:

19 Q I'm showing you Exhibit 54.

20 Is that a Discord post that includes  
21 posts on Discord by you?

22 A Yes.

23 Q And at the top, somebody with the screen  
24 name ghostofthevolk wrote on Discord, on  
25 February 4th, 2018: @MatthewHeimbach, where is that

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1 M. HEIMBACH

2 being uploaded.

3 Right?

4 A Uh-huh.

5 Q And you responded: The episode?  
6 @ghostofthevolk?

7 Right?

8 A Uh-huh.

9 Q And you wrote that on February 4th, 2018?

10 A Yes.

11 Q And below that you wrote, on  
12 February 4th, 2018: It will be on TRS, our YouTube  
13 and our website.

14 Right?

15 A Yup.

16 Q How did you know that the episode was  
17 going to be in those places if you didn't have any  
18 real familiarity with what content got posted to  
19 those accounts?

20 A Well, that was handled by Tony Hovater, I  
21 believe, in terms of for TRS. That's where the show  
22 was hosted. So he handled that.

23 And generally content, I believe, would  
24 be handled by other people to upload it. I couldn't  
25 upload a podcast to a website to save my life.

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1 M. HEIMBACH

2 Q And that's because you don't have the  
3 technical wherewithal to do that?

4 A Well, essentially.

5 Q My question was: How did you know that  
6 that content would be posted to those TWP accounts if  
7 you weren't the person that was dealing with those  
8 accounts?

9 A Delegation. Other people have jobs. I  
10 don't know how to mix a podcast, but I know Tony  
11 Hovater was going to upload it to TRS. It's a  
12 logical inference.

13 Q And you testified that you didn't really  
14 deal with the TWP e-mail system; is that right?

15 A Yes.

16 Q And that's because -- and you testified  
17 that Mr. Parrott dealt with that, right?

18 A Uh-huh.

19 Q And is that -- do I understand you  
20 correctly, that's because you didn't have the  
21 technical expertise to deal with that?

22 A Well, just also time.

23 Q Okay. But I think you described yourself  
24 as a Luddite --

25 A Essentially.

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1 M. HEIMBACH

2 Q -- when it comes to technology and  
3 computer issues, right?

4 A I hate them so much, passionately.

5 Q And what does a Luddite mean?

6 A Oh, I mean, Luddites opposed  
7 technological advances that were, I mean, replacing  
8 them in terms of jobs, but just in a more colloquial  
9 term, someone that doesn't particularly like  
10 technology.

11 Q And that's how you would describe  
12 yourself, right?

13 A Essentially, yes.

14 Q Do you know how to write computer code?

15 A No.

16 (Heimbach Deposition Exhibit No. 55  
17 was marked for the record.)

18 BY MR. BLOCH:

19 Q If I could show you Exhibit 20 --  
20 sorry -- 55, and is that a set of Discord posts?

21 A Yes.

22 Q And the top post is a post by you on  
23 August 4th, 2017, right?

24 A Uh-huh.

25 Q And that would be seven days before the

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1 M. HEIMBACH  
2 torch light march?  
3 A Yes.  
4 Q And you wrote: Quote, Everyone check  
5 your e-mail again. If there's another problem, I'm  
6 breaking out the vodka and going back into the lines  
7 of code.  
8 Right?  
9 A Uh-huh. Well, that just means going to  
10 hang out with Matt Parrott's house and kind of poke  
11 him with a stick to get stuff down.  
12 Q I see. so when you wrote, I'm going to  
13 break into the lines of code, you meant you were  
14 going to go to Matt Parrott's house and poke him with  
15 a stick?  
16 A Essentially. I wish I could write code.  
17 I really, really do.  
18 Q Mr. Heimbach, have you ever referred to  
19 the lawyers in the lawsuits against you related to  
20 Charlottesville as, quote, fucking kikes?  
21 A Probably.  
22 Q And did you, in fact, refer to the  
23 lawyers related to the Charlottesville lawsuits as  
24 fucking kikes on the Daily Traditionalist podcast on  
25 October 12th, 2017?

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1 M. HEIMBACH  
2 much else I can say, but by the City of  
3 Charlottesville and a lot of individuals  
4 associated with that.  
5 And who is leading the legal team  
6 in this lawsuit? You know, a bunch of  
7 Jews. I didn't think that was going to  
8 surprise me anyone.)  
9 BY MR. BLOCH:  
10 Q Is that your voice, Mr. Heimbach?  
11 A Uh-huh.  
12 Q And did you refer to the lawyers that are  
13 suing you in this case as fucking kikes?  
14 A I did.  
15 Q And what does fucking kike mean?  
16 A The fucking would be kind of a -- you  
17 know -- not a very nice person, and kike would be a  
18 slur for Jews.  
19 Q And did you also say, why don't you just  
20 sue us in Israel, you filthy Yids? Why don't you  
21 just do that, because obviously American law doesn't  
22 matter. Anglo-Saxon common law doesn't matter  
23 anymore.  
24 Did you say that?  
25 A Yeah, probably. It's not bad.

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1 M. HEIMBACH  
2 A Probably.  
3 Q If I could play Exhibit 1 from 3.15 to  
4 4.17.  
5 Podcast Recording Played:  
6 (Welcome to Weimerica. So just  
7 something that I think is really  
8 interesting is we are being sued, but not  
9 only are we being sued. Let's see, the  
10 Pennsylvania Light Foot Militia, New York  
11 Light Foot Militia, Virginia Minutemen  
12 Militia, American Freedom Keepers,  
13 American Warrior Revolution, Red Neck  
14 Revolt, Socialist Rifle Association,  
15 Traditionalist Worker Party, Vanguard  
16 America, and League of the South, Inc.,  
17 National Socialist Movement, Jason  
18 Kessler, Elliott Kline, Christian  
19 Yingling, and George Curbelo, Francis  
20 Marion, Ace Baker (phonetic), Matthew  
21 Heimbach, Cesar Hess, Spencer Borum, Mike  
22 Tubbs, and Jeff Schoep are all being sued  
23 by -- by a lot of fucking kikes.  
24 Pardon me. This is a family  
25 friendly show, but there's really not

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1 M. HEIMBACH  
2 Q I'm sorry.  
3 A I mean, it's not bad. Not a bad line.  
4 Q Did you also say: They have the gall --  
5 or the hutzpah, as their Yiddish leaders would say --  
6 to sue us for defending ourselves because they got  
7 their asses whooped. This is absolute clown world.  
8 I hate this country and there's absolutely no amount  
9 of justice in it. The fact that a single one of our  
10 comrades, from Christopher Cantwell on down, is in  
11 prison is absolute nonsense and shows that this is a  
12 Jewish-run Satanic system.  
13 The justice system Lady Liberty and Lady  
14 Justice and all the ladies that are used to symbolize  
15 America should just have giant Talmuds in their hands  
16 because that's the only law that seems to matter.  
17 Do you say that?  
18 A I hope I did. That's a pretty good line.  
19 Q Did you say that?  
20 A Probably.  
21 Q Let's just play it, to be sure.  
22 Podcast Recording Played:  
23 (You used it as a justification for  
24 physical violence, and then they decide  
25 to have the gall, the hutzpah -- as their

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M. HEIMBACH

Yiddish leaders would say -- to sue us for defending ourselves because they got their asses whooped. This is absolute clown world. I hate this country and there is absolutely no amount of justice in it. There is no justice in America right now. The fact that a single one of our comrades, from Christopher Cantwell on down, is in prison is absolute nonsense. It shows this is really a Jewish-run Satanic system. And there's no justice. The justice system is -- might as well, you know, Lady Liberty and Lady Justice, and all the ladies that symbolize American, should just have giant Talmuds in their hand because that's the only law that seems to matter.)

BY MR. BLOCH:

Q Was that your -- I just played Exhibit 1 from 11.44 to 12.27.

A Uh-huh.

Q Was that you, Mr. Heimbach?

A Yeah, and I stand by that comment.

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M. HEIMBACH

A Yeah, I mean, fundamentally, this, in my opinion, is a Nuremberg trial style kangaroo court, where it's already been decided long -- long before, because you guys have the money, the power, the media connections and all the abilities to levy those against constitution-abiding Americans, so yeah.

Q And is that why you have thus far refused to participate in discovery?

A No, I just haven't really known or understood how to do so.

Because, the thing is, Mr. Bloch, respectfully, I'm really looking forward to the trial, because I believe that myself and my co-defendants are so painfully innocent, when the light of day is able to be exposed on everything, while people might disagree with our political views, we didn't do anything wrong. We didn't conspire. I mean, the far right can barely organize a barbecue let alone a conspiracy. And truth is going to, hopefully, win the day.

So yeah. I'm looking forward to this process.

MR. BLOCH: I have no further questions.

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M. HEIMBACH

Q And that -- withdrawn.

What's the Talmud?

A A collection of rabbinical writings, after the destruction of the temple, that essentially governs Jewish society and Jewish law.

Q And why is it significant to you that Jewish people are suing you?

A Racial animus against my people.

Q And do you believe that there's something illegitimate about this lawsuit because Jewish people are suing you?

A Well, I think, based on the statements of Ms. Roberta Kaplan, that she's being driven both politically and ethnically/religiously by her background and her economic and social privilege that the members of the law firm come from to advance her cause, yeah.

Q So my question is: Is there something to you that is not legitimate about the lawsuit that you're a Defendant in?

A Oh, I mean, let's not even talk about the lawsuit. Let's just talk about, like, the entire American legal system.

Q My question is about this lawsuit.

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M. HEIMBACH

Does anybody on the phone have questions?

MR. KOLENICH: Jim Kolenich. No questions.

MR. BLOCH: I'm sorry, Mr. Kolenich. Did you say no questions?  
MR. KOLENICH: Yes, sir.  
MR. BLOCH: Mr. DiNucci, Mr. Campbell? Are you guys still on the phone?

MR. KOLENICH: Mr. Campbell had to leave. I don't know about Mr. DiNucci.

MR. BLOCH: Thanks. The only thing we have is we wanted -- we marked two exhibits the same. We marked the Docket Exhibit 49, and we also marked the November 20th e-mail with the SEA consent Exhibit 49.

Can we go off the record for two minutes.

THE VIDEOGRAPHER: Going off the record. The time is 4:39.

(Discussion held off the record.)

MR. BLOCH: So back on the record.

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M. HEIMBACH

I am marking the Kolenich e-mail to Mr. Heimbach from 11/20/2018 that contains the Discord consent -- I'm going to mark that Exhibit No. 49A.

And the docket, which was also erroneously marked Exhibit 49, I am going to mark Exhibit 49B.

And my hope is that it's clear from context of the testimony which exhibit was being referred to.

And I believe that's it.

MR. KOLENICH: This concludes the deposition of Matthew Heimbach. The time is 4:43 p.m.

(Thereupon, the deposition was concluded at approximately 4:43 p.m.)

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M. HEIMBACH

MICHAEL HEIMBACH

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2019.

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DISCLOSURE

STATE OF TENNESSEE ) DEPOSITION OF:

KNOX COUNTY ) MICHAEL HEIMBACH

Pursuant to Article 8.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter. I am here as a representative of TSG Reporting.

TSG Reporting was contacted by the offices of Kaplan, Hecker & Fink, LLP to provide court reporting services for this deposition. TSG Reporting will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37 (a) and (b).

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Tanya L. Verhoven-Page,  
Certified Court Reporter,  
B-1790.

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CERTIFICATE

STATE OF TENNESSEE:  
KNOX COUNTY:

I hereby certify that the foregoing deposition was reported, as stated in the caption, and the questions and answers thereto were reduced to written page under my direction, that the preceding pages represent a true and correct transcript of the evidence given by said witness.

I further certify that I am not of kin or counsel to the parties in the case, am not in the regular employ of counsel for any of said parties, nor am I in any way financially interested in the result of said case.

Dated this 13th day of August,  
2019.

Tanya L. Verhoven-Page,  
Certified Court Reporter,

1

2

ERRATA SHEET FOR THE TRANSCRIPT OF:

3

Case Name: Sines, et al. v. Kessler, et al.

4

Dep. Date: August 9, 2019

5

Deponent: Michael Heimbach

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CORRECTIONS

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Signature of Deponent

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SUBSCRIBED AND SWORN BEFORE ME

23

This the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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25

(Notary Public) My Commission Expires: \_\_\_\_\_